This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

CD
EGW
KAc

Stephen Lawn.

CASES

OF

SUPPOSED EXEMPTION

FROM

POOR RATES,

CLAIMED ON THE

GROUND OF EXTRA-PAROCHIALITY,

WITH

A PRELIMINARY SKETCH OF THE ANCIENT HISTORY
OF THE PARISH OF

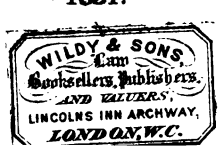
ST. ANDREW, HOLBORN.

By EDWARD GRIFFITH, Esq., F.A.S., &c.

LONDON:

HENRY BUTTERWORTH, LAW BOOKSELLER
AND PUBLISHER, FLEET-STREET.

1831.



LIBRARY OF THE
LELAND STANFORD JR. UNIVERSITY

a.55566

JUL 10 1901

LONDON:
HENRY BAYLIS, JOHNSON'S-COURT, FLEET-STREET.

DEDICATION.

To the Parishioners of St. Andrew, Holborn, for whose use and perusal it is more particularly intended, the present Volume is respectfully dedicated,

By their obedient fellow Parishioner,

THE AUTHOR.

13, *Gray's Inn Square,*
June 1831.

ERRATA.

Page 1, line 21, for *between parishes and manors, as at this day;* read *between parishes and manors; as at this day,*
12, line 4, for *Minister*, read *Minster.*
14, in note, for *Windsor, the Dean and Chapter of Sarum*, read *Windsor, to the Dean, &c.*
30, line 13, for *those*, read *that.*
44, last line, for *retaining*, read *returning.*
87, in note, for *burran*, read *barram.*
98, in note, for *Temple*, read *Templi.*
174, line 15, for *nor did any*, read *nor did the owners of any.*
195, line 16, for *This episcopal property*, read *The episcopal property.*

PREFACE.

It is admitted generally, that none of the several law societies in London have paid parochial rates, toward the relief of the poor, for their respective inns or houses, since the establishment of the poor laws, except in those instances which have resulted from the verdicts of juries in modern times.

It is also admitted by lawyers, that nothing exists legally to exempt these societies from liability to such rates, provided their inns are within and part and parcel of the parish. Hence it results, that these inns must be extra-parochial, or they must be liable to the poor-rates of the parish to which they belong.

There are some propositions of an aggregate character so utterly improbable, that they almost carry with them their own refutation, though the

component parts of such propositions, each taken alone, may bear every semblance to truth. Thus, there may be no difficulty in believing that the site of any one of these inns or houses may never have been appropriated to the parish which surrounds it; but to suppose that all of them are, in this respect, in the same situation, independently of any thing like personal claim or right in the societies themselves, requires no small degree of credulity, in those at least, who have at all considered the state and history of the ecclesiastical divisions of the country.

Whenever the question of the extra-parochiality of these inns has been submitted to legal investigation, it has happened necessarily, that the inquiry has been restricted to one only at a time—the case, like all others, has been dealt with abstractedly, uninfluenced by extraneous circumstances. Legal precision, moreover, frequently excludes from consideration evidence which, in an historical point of view, admits of no manner of doubt—indeed, the law emulates the certainty of mathematical demonstration, while history is content with mere moral evidence. This principle, however, is very limited in its application; and though it may be both admitted and de-

monstrated, that these societies have never paid poor-rates, it is not therefore the less gratuitous an assumption to infer that they are extra-parochial: an assumption which may be confirmed or destroyed by the history of the society itself, and of the parish which surrounds it.

Historical investigation, on the other hand, has the advantage of comparison and analogy, and thus we find that the evidence of most universally admitted historical facts, rests rather on correlative circumstances, than on its own intrinsic certainty.

It has been suggested, therefore, that a sketch of the ancient history of the parish of St. Andrew, with reference more especially to the supposed extra-parochiality of ALL the inns within its ambit, together with brief reports of some of the several cases in which the parochiality of these inns has been hitherto legally discussed, would be acceptable to the parishioners; and as they have been at considerable expence in the investigation of the ancient history of their parish, they are fully entitled to be made acquainted with its result.

The reader, however, must not anticipate amusement in the perusal of the ensuing pages; the

details they contain are beset with technicalities perfectly forbidding to the uninitiated in the mysteries of the law, however necessary to the object in view.*

The author admits freely that he has taken a partial view of his subject. This was not his original intention, but it was found impossible to avoid it. The mind, imbued with ex-parte views, that can conclude soundly and safely, must be of

* To one of these technicalities, which will be found repeatedly referred to, namely, the period of legal memory, it may be useful to premise a word or two here. Before the 18th of Edward the First (1289) owners of lands and liberties were frequently called upon to shew their grants from the crown of such lands and liberties; but a statute of that date provides, that if such owners can shew possession, in or before the reign of Richard the First, their lands and liberties should be allowed to them without the production of any further title. Hence the year of the death of Richard the First, 1198, has since been considered the period of legal memory, beyond which it has not been necessary to carry any title.

It does not appear that this period was selected in an arbitrary indifferent manner, for there was, and still is, a very good reason why it should have been chosen, namely, that almost all the enrolments of grants from the crown, prior to that year, have for ages been destroyed—the public records in general, with the exception of Doomsday-book, the Pipe Rolls, and a few others, beginning with the reign of John. The history of most large estates can, at the present time, in general, be carried back to 1198, but the history of very few indeed of them can be traced beyond that period.

no ordinary cast; and it is perhaps better, for one so circumstanced, to submit his own conclusions to the consideration of others, together with the facts on which such conclusions are founded, than to profess doubts and difficulties he does not and cannot feel.

It has, however, been most remote from his wishes to injure, to offend, or to treat with disrespect either of the distinguished and learned societies so often mentioned in the ensuing pages, or any of the individual members of those bodies, and he earnestly deprecates the imputation of any such intention—the more earnestly, indeed, because he is aware that a few passages may have escaped which, without some qualification, may perhaps be considered more censorious than was intended, and to such passages, more especially, he would beg to apply this general apology. He would submit confidently, as the result of considerable research and attention, that the facts, hereafter referred to, lead of necessity to these conclusions, viz., that the inns neither are, or ever have been, extra-parochial. That the facts from which extra-parochiality is attempted to be inferred, are attributable entirely to mere personal distinction, once gratuitously conceded on

the one hand, and now gratuitously claimed on the other. And he would add, that these societies have no right, in morals or in law, on the mere ground of such gratuitous usage, to resist doing that which, in morals and in law, they ought to have done from the first. It may have been a misfortune in the writer to have come to these conclusions, in opposition to such a host of talent, learning, and worth, but it will be decidedly a still greater misfortune to him if he has expressed such conclusions offensively. He would be firm, but by no means disrespectful. *Amicus Plato, amicus Socrates, sed magis amica veritas.*

CONTENTS.

	Page.
Preliminary Observations on the Origin of the Ecclesiastical Divisions of England	1
Sketch of the Ancient History of the Parish of St. Andrew, Holborn	48
The Church of St. Andrew	49
Territorial Extent of the Parish of St. Andrew	74
Manor of Portpool	76
Gray's Inn	83
Lincoln's Inn	140
The Old Temple	170
Thavey's Inn	175
The Inns of Chancery	185
Staple Inn	187
Furnival's Inn	189
Barnard's Inn	190
The Ely Church Estate	192
State of the Parish prior to 1600, as appears by ancient Maps	201
Reference to other Estates in the Parish	208
Conclusion of the Historical Sketch	221
Reports of Cases	223
Cook v. Banks (Lincoln's Inn), first trial	225
Cook v. Banks (Lincoln's Inn), motion for new trial	249
Cook v. Banks (Lincoln's Inn), second trial	259
Cook v. Banks (Lincoln's Inn), motion for third trial	273
Cook v. Banks (Lincoln's Inn), third trial	275
Selby v. Bardons (Gray's Inn)	313
Selby v. Bardons (Gray's Inn), motion for new trial	341
Fraser v. Wood (Thavey's Inn), first trial	345
Marsden v. Waithman (Thavey's Inn), second action	353

	Page.
References to Cases between other Parishes and the Inns within their respective ambits - - -	360
Allen v. Waller (Clifford's Inn) - - -	361
Appendix, Bentley's Book - - - -	375
Translated Extracts of Records relating to Gray's Inn	424
Inquisition on Death of Reginald Grey, 1 Edw. II. -	425
Writ of Ad Quod Damnum, 8 Edw. II. - -	427
Inquisition thereupon - - - -	428
License to John de Grey to alienate to St. Bartholomews, 8 Edw. II. - - - - -	430
Inquisition on Death of Reginald Grey, 44 Edw. III. -	432
Inquisition on Death of Henry Grey, 19 Rich. II. -	434
Inquisition on Death of Richard Grey, 20 Hen. VI. -	436
Confirmation of Feoffments, 22 Hen. VII. - -	438
Lord Grey to Denys, Bargain and Sale, 12th August, 21 Hen. VII. - - - - -	441
Denys, Brudenell, and Lord Grey, Recovery, 22 Hen. VII.	442
Denys to Lord Grey, Post Fine and Recovery, 22 Hen. VII.	443
Denys v. Lord Grey, Fine, 22 Hen. VII. - -	444
Release, Richard Grey to Denys, 22 Hen. VII. -	445
Writ of Ad Quod Damnum, 7 Hen. VIII. - -	447
Grant to Prior and Convent of Sheen, 7 Hen. VIII. -	449
Decree of Court of Augmentations, 23 Hen. VIII. -	451

CASES

OF

SUPPOSED EXEMPTION FROM POOR RATES,

&c. &c.

PRELIMINARY OBSERVATIONS

ON THE ORIGIN OF THE ECCLESIASTICAL DIVISIONS OF ENGLAND.

THOUGH it is impossible to give credence to most of the tales told by the early chroniclers, as to the propagation of Christianity in this country by Joseph of Arimathea shortly after the passion of our Lord,* we may yet have sufficient evidence of the fact that Christians, and probably a few detached Christian societies and churches,† existed here during the latter part of the

* William of Malmsbury,—Nicephorus, &c.

† Selden's History of Tithes, p. 249.

Roman government, and the early periods of the heptarchy; but that Christianity owed its partial existence in these times to its obscurity, is most probable, and that it had no support or encouragement from the state till the latter end of the sixth century, is almost certain.

Ethelbert, king of Kent, having married Berta, daughter of the King of France, who was a Christian, and who brought here with her from the continent, Letardus, a bishop, as he is called in the chronicles, seems to have been the first convert among the Saxon kings to Christianity, and it is probable that legates from the See of Rome were invited by this king to visit his dominions. However this be, Pope Gregory, about the year 596, sent over Augustine, Melitus, Justus, and other monks, to preach the gospel to the Saxons. Ethelbert is said to have given to Augustine the City of Canterbury, and an old church founded there by the faithful Romans, which has since been dedicated to him. Melitus was consecrated by Augustine bishop of the East-Saxons, and his episcopal

see was fixed at London in St. Paul's, then founded by the same king Ethelbert, and Justus was, by the same authority, consecrated Bishop of Rochester, where Ethelbert built a third cathedral. Although the Britons are said to have had an episcopal see at Caerleon, or St. Asaph, before this time, and although a Roman church is mentioned in this account, and other detached references to churches, are to be met with anterior to the time of Ethelbert, yet there is not the slightest reason to suppose that any thing like a general parochial division of the kingdom existed till some time after.*

The bishops being in their cathedrals at the head of an aggregate body of clergy, soon found it convenient to select from that body a limited number, to act as a council in advising

* The Saxon chronicle treats the mission of St. Augustine and his companions into this island, as the first introduction of Christianity here. After recording the death of that archbishop, it states: "Sanctus Augustinus dum integra ipse uteretur valetudine, eum, (Laurentius the second, Archbishop of Canterbury,) ordinavit episcopum, ne Christi ecclesia *quæ tum recens modo fuit in Anglia*, ullo temporis spatio post sui obitum careret archiepiscopo."—Chron. Sax. by Gibson, p. 26.

on such matters of difficulty as might arise connected with their spiritual charge, and in assisting in the management of the secular affairs also of the whole; these are now represented by the deans and chapters.*

And in subsequent times, when the affairs of the church were more systematized, and the parochial divisions were more generally understood and adopted, the bishops, in imitation of the civil constitution of the whole kingdom, as it became in the time of Alfred, divided their respective dioceses into archdeaconries and rural deaneries, each of the latter including at first, as it is supposed, ten parishes. The first trace, however, found of the rural deans, is in the time of the Confessor, in whose laws they seem to be recognized.†

Cathedral or conventual churches are, therefore, doubtless much older than the parochial. The bishops' sees were indeed most of them superadded to a pre-existing conventual church, though in the instances above

* Kennet, Paroch. Ant., p. 633.

† Lamb. de Prisc. Angl. p. 126; Kennet, p. 633.

referred to, the consecration of the see and the founding of the church seem to have been simultaneous.

Augustine, afterwards called St. Austin, Archbishop of Canterbury, died A.D. 603, and it is said, apparently on the authority of an ancient MS.* in Canterbury cathedral, that Honorius, a subsequent archbishop, about the year 636, divided the kingdom into parishes, *provinciam suam in parochias divisit*, which Selden, however, with great apparent propriety, reads as a mere division of his province into dioceses,† which might and probably was effected at this early time, but the parochial divisions of the dioceses were doubtless gradually advanced, and were not completed for several ages after the time of Honorius.

The word parish (parochia) is rarely mentioned by writers in the Saxon times,‡ and

* Stowe's Summary, p. 68.

† Selden, c. vi. ;—Toller on Tithes, p. 8, and the authorities there quoted. "Aliquando parochia pro diocese ponitur diocesis interdum pro parochia." Rebuffi Tract. de decimis quæst. vi. § 6.

‡ Spelman in verbo Parochia.

when first used appears to have been synonimous with diocese (diocesis), but was finally restricted, as it is now, to a sort of inferior diocese, or portion of the bishop's cure, having a church for its own use, independent of the cathedral.

After the establishment of the cathedral churches, in the beginning of the seventh century, not only conventual churches were rapidly in succession founded and endowed, but the nobles and proprietors of large estates (and there were none small) began also to build churches for the use of themselves and families, and their numerous tenants and dependents,* whereupon a constitution was enacted by a council under Archbishop Wilfrid, that wherever churches were built, they should be consecrated by the bishop of the diocese, who, by the civil law, was to see that a necessary maintenance was provided for the incumbent before he proceeded to consecrate the church, tithes at that time being paid to the cathedral as the mother church, or to such

* Staveley's History of Churches, p. 73

other church, conventual or otherwise, as the laity thought fit.

Although the first foundation of the greater part of the existing parish churches cannot now be ascertained, all of them, with perhaps a very few exceptions, existed in the time of the ecclesiastical taxation, about 1291; history has handed down to us the fact that the origin of some of the parochial* and of most of the conventual† churches was between the year 600 and the period of the Conquest, and it is a misfortune that the Conqueror's survey, so curious and valuable in many other respects, should give so little satisfactory information on the subject of parochial churches, and none whatever on the parochial divisions of the country.

The word parish does not occur in Doomsday, and though churches are frequently mentioned, it is with the greatest irregularity, they not being one of the matters which the jurors were called upon to return. Thus two

* King Edgar is said to have founded about forty monasteries and churches in or about the year 960.

† Tanner, Not. Par. passim.

hundred and twenty-two churches are actually returned in Lincolnshire, two hundred and forty-three in Norfolk, and three hundred and sixty-four in Suffolk, while only one can be found in Cambridgeshire, and none in Lancashire, Cornwall, or Middlesex, and there are good grounds for concluding that the whole number of those mentioned is considerably short of what actually existed.*

That churches had increased in number greatly at the time of the Confessor, is manifest from his laws, in which it is stated, that in many places there were three or four churches where in former times there was but one ;† the greatness of their number may be further inferred also from the report that the Conqueror destroyed thirty-six churches, when he enlarged the New Forest in Hampshire.‡

Parochial, as well as conventual churches, continued to increase after the Conqueror's

* Dissertations on Domesday. Record Commissioners' Report, 1800—1816, p. 455.

† Wilkins' Conc. I. p. 300.

‡ Archaeol. viii. p. 223.

time, and before the period of legal memory; this is obvious from the histories of many of them, especially the latter, which might be adduced from the Monasticon, Tanner, and other works, and in confirmation thereof, we may observe, that by a constitution of a synod holden in the time of King Stephen,* all persons were prohibited from building for themselves churches or oratories without the consent of the bishop. On this subject, moreover, there appears to have been a controversy between King John and Pope Innocent the Third, the former affirming that his lay nobles had a right by the law and custom of England to found churches, which the Pope admitted, but insisted on the bishop's right by the civil law to consecrate them. †

Although, however, it is but seldom that the circumstances of the foundation endowment, and consecration of ancient parochial churches, as before stated, can be found, it is not at all uncommon to ascertain, that the right of patronage or advowson, was in very early times in the family of the lords

* Gibson, p. 188. † Seld. c. xi.

of the manor, in which the church stood, as matter of inheritance, whence alone it may be inferred, that the ancestor of such family obtained the patronage, in virtue of his having been the founder of the church. Hence also we may observe an early connection between the parochial and the feudal divisions of the country.

As to the precise time, when the principles of the feudal system were engrafted on the Saxon constitution, or the extent to which that constitution was altered by the Norman Kings, antiquaries are not altogether agreed; but the perfecting this system by the extinction of all allodial land, by the division of the kingdom into feuds, and the partition of the whole land into numerous manors, was in all probability a Norman work. It is evident that there was in former times a considerable coincidence and dependence between parishes and manors, as at this day; though many manors have been lost, and are not now to be traced, it is extremely common to find the bounds of a manor and parish co-extensive, or that a parish includes in

it the precise limits of two or three manors, and no more. The subinfeudation, or divisions of manors, which took place before the statute of Quia emptores in 1289, will easily account for several manors being found in one parish, even if originally the parish had but one; but to find one manor extending over several parishes, is by no means common.

It seems therefore very probable that the existing state of the parochial divisions of the country was not settled till long after the Conquest.

It may, perhaps, be hardly necessary to insist further on the fact, or to quote authority to prove, that parochial as well as conventual churches were for the most part private foundations, and sprang up, not by any means simultaneously, but in succession, during a long period antecedent, for the most part, to the termination of the reign of Richard the First, or the time of legal memory.

The first peremptory limitation of tithes to one church, in exclusion of others, (other than by endowment,) is in the laws of King

Edgar, about 970, by which it was ordained that every man not having a church of his own, should pay tithes to the ancient minister,* whether cathedral, conventual, or otherwise. The right, as it now exists, of the parochial clergy to their tithes, was not confirmed to them generally till a Lateran council in 1180, or a decretal epistle of Pope Innocent, shortly afterward, such tithes having been before paid to the cathedral as the mother church.

We may further infer therefore, that it was not much before the period of legal memory, or 1198, that the whole kingdom became divided into parishes, as it had been thentofore into counties and hundreds, with certain exceptions, however, which it is now our business to notice.†

* Seld. c. viii. p. 59, and c. ix.

† Bishop Kennet on this subject says, "As to the first institution of parishes in England, many of our writers have ascribed it to Archbishop Honorius, about the year 636, wherein they build all on the authority of Archbishop Parker; but Mr. Selden seems rightly to understand the expression, provinciam suam in parochias divisit, of dividing his province into new dioceses, and this sense is justified by the author of the "Defence of Pluralities." The like distinction of parishes which now obtains, could never be the model of Honorius, nor the work of any one age. Some

These exceptions comprehended, it is submitted, all the demesnes of the crown, for the kingly office, including in it the spiritual as

rural churches there were, and some limits prescribed for the rights and profits of them. But the reduction of the whole country into the same formal limitations was gradually advanced, the result of many generations. However, at the first foundation of parochial churches, owing sometimes to the sole piety of the bishop, but generally by the lord of the manor, they were but few, and, consequently, at a great distance; so as the number of parishes depending on that of the churches, the parochial bounds were at first much larger, and by degrees contracted. For as the country grew more populous, and persons more devout, several other churches were founded within the extent of the former, and then a new parochial circuit was allotted in proportion to the new church and the manor or estate of the founder of it. Thus certainly began the increase of parishes, when one too large and diffuse for the resort of all the inhabitants to one church, was, by the addition of some one or more new churches, cantoned into more limited divisions.

This was such an abatement to the revenues of the old churches, that complaint was made of it in the time of Edward the Confessor. "Now," say they, "there be three or four churches where, in former time, there was but one, and so the tithes and profits of the priests are much diminished."

When, by long use and custom, parochial bounds were fixed and settled, many of the parishes were still so large that some of the remote hamlets found it very inconvenient to be at so great a distance from the church, and, therefore, for the relief and ease of such inhabitants, this new method was practised of building private oratories or chapels in any such remote hamlet, in which a capellane was sometime endowed by the lord of the manor, or some other benefactor, but generally maintained by a stipend from the parish priest, to whom all the rights and dues were entirely preserved.

well as temporal character, and the supremacy as to both could not be subject to the highest dignitary of the church, and much less to the delegated parochial clergy; his demesnes, therefore, including all his castles and houses, parks and forests, were extra-parochial, and the tithes thereof were payable to him; and hence we find that most of the cathedral and large conventual churches had grants from the crown of the tithes of venison or hunting, &c., in the royal forests adjoining their respective churches.*

The noble exertions of our ancestors against the excessive powers of the crown, were successful, in very early times, in moderating the rigour and oppression of the forest laws. Forestal lands soon became to a considerable extent assarted and brought into cultivation, and were from time to time granted out by the crown, and large portions of these forests thus by degrees became, in some cases tacitly,

* Cart. 6 John, 107, for tithes of hunting in the king's forests in Essex to the Bishop of London. Pat. 54 Hen. 3, for tithes of all the venison, and pannage of all the royal forests in Wilts, Dorset, and Berks, except Windsor, the Dean and Chapter of Sarum, &c. &c.

and in others more openly, annexed to their adjoining parishes, so that at the present day there are comparatively but small portions of the ancient royal forests remaining unappropriated to any parish.

With regard to the erecting of new, and the divisions of ancient parishes, or the alterations of their boundaries, since the time of legal memory, especially in and about the great forests, but exclusive of those alterations made by the authority of, comparatively speaking, modern acts of parliament, it may be observed generally that there is no reason to doubt that in all such cases the newly created parishes have been taken out of others older and more extensive, by consent of the diocesan, the lords of the soil, and the parochial incumbent, or out of the royal forests by consent of the crown. Instances, however, of this kind on record are but rare, and are generally confined to cities and great towns; those connected with the removal of the see of Salisbury from Old Sarum, are probably among the most remarkable.*

* The country parishes of England (in the common sense

In the year 1219, Richard Poor, then Bishop of Old Sarum, under the authority of a papal bull, removed the episcopal see from its inconvenient situation in the castle

of the word parish) seem originally to have been of the same extent and limits as the several manors; nor could it well be otherwise, because when it became settled, during the ninth and tenth centuries, that tithe was generally due to the church, every lord of an independent manor would, of course, appoint a clergyman of his own choosing, in default of which the tithe would have become due to the nearest mother church. In the towns, indeed, there is considerable variation, personal tithes having been much more productive before the reformation of religion than afterwards, and, consequently, a greater number of clergymen maintained in populous places. Thus the city of London (within and without the walls, but not including the borough of Southwark), which now reckons one hundred and eight parishes, forming no more than seventy-two ecclesiastical benefices, had at that time one hundred and forty. Norwich, in like manner, is reduced from seventy parishes to thirty-seven, and other ancient cities in proportion; a sufficient indication that the number of parishes in towns was formerly suffered to increase in proportion to the population; and (besides that personal tithes and dues must always have been in a great degree voluntary) it appears from the Taxatio Ecclesiastica that the profits accruing from one and the same parish were not confined to one spiritual person, nor even to one religious house or community. Under such circumstances it is not likely that town parishes were anciently limited either in number or extent; but the conflicting rights of tithe-owners and the perambulations ordained by the canon law must have established the boundaries of country parishes much earlier.—*Preliminary Observations on the Population Abstracts of* 1801, *by J. Rickman, Esq.*

of Old Sarum, (which see had been thentofore, in the Conqueror's time, removed from Ramsbury) to a spot called Meryfield, the present site of Salisbury Cathedral. It is observable that Clarendon Forest, the whole of which was in all probability, at the period of this transaction, unappropriated to any parish, though parts of it have since, either tacitly or by direct authority, become parochial, extended to this place, then called Meryfield, but whether it included the scite of the present city of Salisbury is uncertain; however, as no grant of the land to Bishop Poor from the crown, now exists, it seems most probable that it did not, and that Meryfield was the property of that bishop, and was in the parish of St. Martin, as the manor church of Sarum.*

The removal of a cathedral church involved, almost of necessity, the establishment of a new city, which also led to the creation of distinct parishes therein commensurate with the extent of increased population, and accordingly the parishes of St. Martin, St. Thomas, and St. Edmund, into which the city of Salisbury

* Leland's Itin. iii. p. 60.—Wilkins' Councils, i. p. 550.

is now, for ecclesiastical purposes, divided, were created; or rather perhaps the parishes of St. Thomas and St. Edmund were carved out of that of St. Martin, being the ancient manor church. In 1228 the Bishop of Salisbury granted to one Harvey for life, "the churches of St. Martin, of our Ma-"nor of Sarum, with the Chapel of Stratford, "which are known to belong to the gift of "us and our successors, and all other "churches and chapels built, and to be "in our city of Salisbury."* It appears that the parish of St. Edmund was created about forty years afterwards, when Walter, Bishop of Salisbury, founded and endowed the collegiate parish church of St. Edmund, taking it out of the two pre-existing parishes of St. Martin and St. Thomas. The deed by which this was done remains in the bishop's Registers,† on record, as an instance since memory of the creation of parishes without the aid of an act of parliament.

* Registers of the Dean and Chapter of Salisbury.

† Fundatio Sancti Edmundi Sarum in 1260. Bishop's Registers, I.

But it is to be observed, that all these transactions took place under the authority of a Bull from the Pope, who was then supreme in all Ecclesiastical matters, and were also confirmed with the addition of great privileges to the Bishop of Salisbury by King Henry the Third, and by King Edward the First,* by authority of Parliament, and that Bishop Poor, the diocesan of the place, was at the time lord of the soil and patron of the mother parish of St. Martin, if it then existed.

The cathedrals or episcopal churches, as before stated, were nearly all founded long before it is even pretended, that the parochial divisions become general, and though the bishop's see was in some cases superadded to a pre-existing conventual church, there is every reason to conclude that the ancient cathedrals existed before any of the parish churches. The bishops seem in all cases to have been lords of the soil, when the cathedrals were erected; when therefore the land around these became parochial by the building of a church, for

* Cart. Antiq.—Rot. Parl. 11 Hen. 3.

the use of lay parishioners—by the endowment of a priest—and eventually by the dedication of the tithes of the parish to the parochial clergy, it is clear that the precinct of the cathedral could not have been included therein. It was distinct as to property, and being appropriated entirely to the regular clergy of the cathedral and the bishop, could not have been subject in spiritual matters to the parochial incumbent, who acted by an inferior and delegated authority from him;—for all ecclesiastical purposes these scites were appropriated before the existence of the parish, which afterwards surrounded them, nor could their dignified owners be subject *in spiritualibus* to an inferior. These precincts therefore, like the royal demesnes, have never been appropriated to any parish.

Whether the scites of monastic establishments are extra-parochial, may perhaps mainly depend on the fact, upon which rests the extra-parochiality of the cathedrals. Have they ever been appropriated to any parish? or in other words, did they

exist as monastic property before the creation of the parish which surrounds them? This is an investigation which may be found frequently to defeat the mere antiquary, but it may not be so difficult practically to the lawyer, inasmuch as all ancient parishes, unless the contrary be shewn, must be presumed in law to have existed from time of legal memory. If, therefore, the origin of the religious establishment in right of which extra-parochiality is claimed, can be satisfactorily proved to have been since that period, the legal presumption follows, that the parish must have existed first, that the religious house came to the parish, and that although the objects and purposes of parochiality could not apply to the house so long as it existed, and although the parochiality of it were suspended for the time, the property was not taken out of the parish by the mere act of the resiancy of the clergy on it; and the moment they quitted it, and it came into lay hands, it must surely, upon every principle of reason and of law, have enjoyed all the rights of parochiality, and been subject to all its burthens.

To assert that all the sites of the religious houses are extra-parochial, is to assert that which is notoriously false, and needs no illustration of particular instances to the contrary; that some have claimed that right cannot be denied, but there must surely be some reason why such claims should be so partial. There are indeed some conventual parishes, as St. James Clerkenwell; and some conventual sites which are precincts or liberties of the parish in which they are situate, as the White Friars in Fleet Street, the Liberty of the Rolls in Chancery Lane, &c.; but any one who will take the trouble to turn over the pages of Tanner's Notitia Monastica, will soon find sites of religious houses he is acquainted with, which have never pretended to extra-parochiality. Surely, therefore, when such sites do occur, the reasonable inference is, that if the claim be legal, it must have originated in this: that the site was never appropriated to any parish, because it existed as a monastery, before the parish which surrounds it was created; and not that the regular clergy, coming into a pre-existing parish, thereby

rendered the scite of their residence extra-parochial for ever. If it can be shewn that the monastery came to the parish since memory, the legal conclusion is surely against the claim of extra-parochiality, especially after the non-existence of the monastery.

Exemption from tithes, it is notorious, may be claimed ratione ordinis, that is, in favour of the demesne lands of certain privileged orders of monks, which demesnes, they possessed before the Lateran Council in 1215, and which they cultivated for their own use; but how has even this exemption survived to the present day? In all cases by the act of the crown: the king generally granted the land after the dissolution, as amply and beneficially as the abbot held it; and as he held it free of tithes under the circumstances predicated, the grantee, by virtue of his charter, holds it as the abbot did; but if this clause be not inserted in the grant, the land is titheable, whether cultivated in demesne or otherwise. The exception proves the rule, and if lands of the privileged orders were exempt from tithes only while in demesne, *dum proprijis manibus*

excolebantur, it follows, that all other monastic lands, and the identical excepted lands when not cultivated as demesne, were titheable, or in other words were parochial. That the house itself did not pay tithe, was, because tithes of houses generally was a thing unknown to the law; and if the regular clergy did not pay tithes or oblations to the parochial, it was doubtless on the principle that churchmen pay no tithe to the church. *Ecclesia decimas non solvit ecclesiæ.*

All monastic lands therefore, whether leased or demesnes in possession, were prima facie titheable or parochial, even by the civil law, and during their existence as church property, with the exception above referred to, which originated in certain papal bulls, and not in the common law; but the fact that even these demesnes of the privileged orders, the moment they passed from the hands of their owners, became titheable or parochial, is conclusive to shew that even this limited right was personal, attached to the privileged owners of the land, and not to the land itself, which may lead us to the consideration of the

claims of extra-parochiality, which have sometimes been set up in favour of the scites of bishops' residences, as in the case of Lambeth Palace; Ely Place, Holborn; and others.

Episcopal rural Palaces, so to call them, are commonly within the precincts of their cathedrals, so that extra-parochiality as to these, may not be referable to any personal right in the bishop, but to that of the cathedral and its precinct before alluded to. But most, if not all the bishops had also residences in and about London, and it is to the parochiality of these we would more particularly refer; but as some of these cases will be stated more particularly hereafter, it may not be necessary to say more upon them at present, but to observe, that extra-parochiality is not now, I believe, claimed for the scites of any of the bishops' town palaces, except in the case of Ely Place, Holborn, and Lambeth Palace, if that can be said to be in London.*

* The Bishop of Lincoln had an ancient palace in Holborn-street, and the Bishop of Bangor another in Shoe Lane, (both like Ely House in the parish of St. Andrew, Holborn,) which have never pretended to extra-parochiality.

Lands recovered from the sea, since time of legal memory, may well be extra-parochial, never having been appropriated to any parish; nor could any power short of an act of parliament now appropriate them; of this description are the extra-parochial fen lands of Lincolnshire, &c.

Judge Blackstone, with a rapidity and looseness by no means common in his celebrated Commentaries, and scarcely pardonable in even an elementary treatise, says, "some "lands, either because they were in the hands "of irreligious and careless owners, or were "situate in forests or desert places, or for other "now unsearchable reasons, were never united "to any parish, and therefore continue to this "day extra-parochial."* Admitting without doubt, that the ancient royal demesnes, including parks and forests, never were appropriated parochially, and admitting also that the subsequent escheats and acquirements of the Crown in after times might have been taken out of the parishes to which they had been appropriated, so long as they continued

* Blackstone's Commentaries. I. p. 113.

in the actual possession and culture of the Crown; admitting that the scites of the ancient cathedrals, and of some of the most ancient monastic establishments never were included in any parish, and admitting that newly recovered land is in the same predicament, one may be permitted to doubt, (with all due respect to so high an authority, and to the learned authorities also who have adopted this hypothesis,) whether extra-parochial lands do really exist under any other circumstances than those above alluded to, and consequently whether any such unsearchable reasons exist as the learned commentator mentions.

The supposition of extra-parochiality, on the ground of irreligious and careless landowners, presumes that the parochial divisions generally, were all of them mere personal individual acts of the landlord, (which to a very great extent indeed it may be admitted they were,) without any final interference on the part of the bishops and the clergy to effect the complete subdivisions of their dioceses into parishes, which doubtless did

take place at some time before the period of legal memory.

The supposition of unappropriated lands in the hands of a lay subject cannot moreover be applied to spots decidedly within the ambit of a parish, or we must suppose every inch of ground to have been by distinct and separate acts made parochial. The hypothesis can only be supposed to apply to remote unprofitable lands and worthless wastes, though we know that by the feudal law even these had an owner in the Crown, and if unappropriated, would therefore be extra-parochial, *jure coronæ*.

From the facts predicated, it is submitted—that the whole kingdom was first divided into dioceses—that each diocese was again divided for the purposes of the cure of souls, into archdeaconries and rural deaneries,—and that each deanry was progressively but eventually before the year 1198, and anterior therefore to legal memory, entirely subdivided into parishes, with the exceptions of the Crown's demesnes, the cathedral precincts, and such monastic properties as were in the occupation of a religious house with a conventual church

before the creation of the parish which surrounded them—that such religious houses as were built within a parish were *quasi* extra-parochial, as long as they continued monastic, but that such supposed extra-parochiality was personal, as matter of privilege in the regular clergy, and not local in the land—that it ceased to exist, in most cases, and ought legally to have done so in all, with the dissolution of the monasteries.

It may perhaps be said, that to affirm that all the lands in each diocese (with the admitted exceptions) were unappropriated parochially, is a petitio principii, and an unwarrantable conclusion from the facts referred to;—the contrary of this assertion rests mainly on the circumstance of a few spots within the limits of a parish which *in comparatively modern times* have to some extent, but not altogether been treated as no part of the parish: but if this can be reasonably accounted for without having recourse to the very unreasonable presumption of non-appropriation to the parish, though within its bounds; if the negative can be proved that such spots were never described

or treated as extra-parochial *in ancient times*, but were uniformly and repeatedly conveyed, described, granted, bought, sold, and referred to, as in the parish which surrounds them, without any reference to their being no part thereof, the conclusion is surely irresistible, that the modern practice is referable to some other cause than that of actual extra-parochiality.

It may be useful, therefore, to inquire whether the existing state of these supposed extra-parochial spots can be accounted for on any more reasonable grounds than those of never having been appropriated to the surrounding parish.

The relative rights of parson and parishioner are mutual; the latter was entitled to the *jura sacramentalia* in his parish church, and to spiritual aid, and in early times to temporal assistance, if necessary, out of the tithes from his parson, who in return, was entitled to the predial tithes of his parishioner's lands, and to personal tithe of himself and family. But it is clear that, before the reformation especially, there were many cases in which these mutual

rights were neither exercised or thought of. Religious societies of all denominations possessed houses possibly with little or no lands, especially in great towns; from these houses no great tithes were due, and probably there were no small tithes, or from various causes, *ex gratiâ* and otherwise, they were never collected, and personal tithes were not due from ecclesiastics; so that the parochial clergy in these instances derived no benefit from such religious houses, while on the other hand all the *jura sacramentalia* were probably performed in the private chapel belonging to the house, and its consecrated occupiers had no need of spiritual instruction from the parochial clergy. It would have been hard moreover to have called on these religious societies who made no use of the parish church to contribute to its support, which therefore it may be presumed was never done, the consequence of all which was virtually, that the religious houses, though within the parish, became as if they were no part of the parish: the usual personal relation of parson and parishioner did not exist, and the local rela-

tion of the land, as part of the parish it was in, was virtually extinguished in consequence.

Nor was this state of things confined altogether in great towns to the regular and parochial clergy, for some certainly of the mansion-houses of the nobility and great men in London were, by legislative enactment,* exempt from tithe, if not from all parochial charges as well as the monastic establishments; and accordingly we find so lately as the time of King Charles the First, that that king, who in common with his predecessors, from the time of Henry the Eighth, if not earlier, regulated the affairs of tithes in London and other cities, by his decree in privy council, recites that, "Whereas the houses and grounds "in certain parishes within our said city (of "London) and the liberties thereof have an- "ciently been religious houses, or thereunto "belonging, or *belonging to noblemen or other-* "*wise exempt, or pretended to be exempt from* "*tythe*, whereby they have paid little or no "tythes, or at least no certain maintenance to "the curates thereof," and then decrees that

* Stat. 37 Hen. 8. c. 12.

they shall pay in the same proportions as the rest of the parish.

These facts bring us to the consideration of those claims of extra-parochiality and exemptions which have been, and are set up for the sites of some monasteries and noblemen's houses, the several Inns of Court and Chancery in London, and the sites of those not now existing, the colleges of the universities, whether incorporated or not, whether ecclesiastical or secular, and a few other spots similarly circumstanced.

With regard to these several learned societies, one observation preliminary to the general question naturally arises; who can believe that one and all of them should accidentally have been located in extra-parochial spots, surrounded by a parish, when it would probably be impossible to find another like number of parochially surrounded spots, in the whole kingdom. This may not have been fortuitous, it is true, but if we look into the history of each place, we shall find no trace whatever of its having been selected by the infant college, because it was extra-

parochial before. It is said indeed, that the common lawyers separated themselves from the civil lawyers, who were desirous of introducing the civil law, and settled themselves in distinct societies, but it is no where hinted at, (nor indeed is the fact as to time, and circumstance very distinctly stated,) that they sought out extra-parochial places; nor does the argument apply to the university colleges: in short this could not have been accidental, and there is not the slightest reason to presume that it was intentional, or in fact, that it ever took place.

The claims of these extra-parochial parts of parishes, (the very expression is paradoxical and absurd,) may however require a distinct investigation for each claimant, because as before stated, if the claim can be traced to the crown, or to the existence of a monastery prior to the existence of the parish, it may be founded in right; or the word extra, or non-parochiality may be improperly used for that of distinct parochiality, as may be the case with the Temple property, having belonged to a conventual church from time of memory, the parish of St. James Clerkenwell, &c.

It has been said in support of these exemptions, and with much force and effect, that as twenty years' non-claim will bar an ejectment, and sixty years will preclude all remedy, without which there is no right, that no evidence therefore should prevail against long usage. In a legal point of view as regards the payment of poor-rates under the 43d of Elizabeth, there is one complete answer, however, to this otherwise forcible position, namely, that there is no prescribing in law against an act of parliament. If there had been, many properties which have only been rated to the poor in modern times, would have altogether escaped this onerous charge, which they have so long avoided.

What has been the result of a continued non-claim of poor-rates, with regard to other species of propety? A few instances selected indifferently from a very large number may best answer this.

In 1675, (22 Chas. II.) the right of a bishop's palace in the country to be exempt from poor-rates, was first negatived in the case of the Bishop of Chichester's palace, for,

said the Court, "There can be no prescription against the payment of this tax."*

In 1687, (3 James II.), Judge Astry is reported, in Rex v. Gibbs, to have stated—"It was *lately* resolved by the court that ground rents are liable to poor-rates."†

In 1702, (1 Anne,) Chief Justice Holt stated—"Hospital lands are chargeable to the poor-rates, for no man, by appropriating his land to an hospital, can exempt them from taxes to which they were before liable, and throw an additional burthen on his neighbours." ‡

In 1776, (17 Geo. III.) the court determined, with reference to a keeper's lodge in Windsor Park, that though royal palaces in the occupation of the royal family are not rateable to the poor, yet the servants occupying house and land belonging to the Crown, whether they pay for the same by rent or by service, are liable.§

In 1783, the Warden of the Fleet was first rated for the profits of his patent office.‖

* 3 Keb. p. 772. † Comb. p. 62. ‡ 2 Salk. p. 526. § Cald. 1. ‖ Bott. I. p. 167.

In 1788, (29 Geo. III.) Tithe of fish was *first* made rateable to the poor.*

In 1789, it was questioned whether a gunner, occupying a house in a fort belonging to the Crown was liable; when Lord Kenyon said—"I shall determine this case upon the ground of positive law, as it is laid down in the 43d of Elizabeth, which subjects every occupier of land, houses, &c., to the relief of the poor."†

In 1789, Toll tin arising from the mines in the duchy of Cornwall, which has existed from the time of Edward III., at least, was *first* made rateable.‡

Lime-works, § slate-works,‖ and potters' clay-pits in the hands of occupiers, have also of late years been made liable.

In 1800, the occupiers even of alms-houses, and charity lands, and of certain stock, with a wood, were decided to be justly rated, "for "that the 43d Elizabeth is general, the rate "for the relief of the poor being to be levied "upon every occupier of land, houses, &c."¶

* 3 Term Rep. p. 385. † 3 Term Rep. p. 497.
‡ 3 Term Rep. 480. § 1 East, p. 535. ‖ 2 East, p. 164.
¶ 1 East, p. 584.

In 1804, the burgesses of Huntingdon were *first* made liable to poor-rates for right of common on their borough lands. *

And in 1810, aftermath let out in pastures was made rateable.

As there is one maxim of law that no one can prescribe against an act of parliament, on which maxim the cases quoted have been founded (and by these cases it will be observed, that property not rated to the poor from the 43d of Elizabeth, have been rated in modern times); so there is another maxim, that no one can prescribe against the church, and it is notorious that non-payment of tithes, from the era of their establishment to the present time, is no answer in law against the rector who may sue for such tithes, though such non-payment, in conjunction with other circumstances, *ceteris paribus*, may be an ingredient in proof that the land was exempt from tithe.

Now, it may asked why the several colleges or societies, which are more immediately the subject of these observations, shall prescribe in

* 5 East. p. 480.

law to be exempt, when no prescription prevailed in the few above selected cases?—why the estates of societies of great wealth, and of still greater reputation and importance, should escape, while those appropriated for ever, even to partial charity, are made to contribute their proportions to the general relief of the poor?

It may perhaps be replied, however, that although the law does sometimes, for a general good, work an individual injustice, yet that these societies ought not, in equity and propriety, to be called upon to do that which neither party hitherto ever supposed them liable to. But it is fearlessly, and, it is trusted, not rashly affirmed, that these supposed extra-parochial spots were one and all bought as being *in the parish, without any reference to their not being part of it,* and the statute of the 43d Elizabeth, enacts, that every inhabitant, &c., and every occupier of lands, houses, &c., *in a parish,* without reference to spots in a parish, being no part thereof, shall be liable. If these estates have been leased or sold by any other description than in the

parish, the owners thereof have deceived their purchasers or tenants, and can have no right to complain, when called upon to do that which they have so long improperly avoided. If they, having bought the whole as in the parish, have leased it in parcels, or granted minor estates not so described, they will surely be taking advantage of their own wrong, if by persisting in evil they can be allowed to make evil good.

But this usage, say they, is set up, not to create a right, but to evidence an ancient right. In this point of view it is entitled certainly to its full weight, *valeat quantum valere potest.* Let it not, however, be taken abstractedly, but in conjunction with all accessory circumstances, and while the parishes are accused of a careless abandonment of their rights, let not the owners of these estates altogether escape a similar imputation: when they bought the property as in the parish, they should have taken care to add to its description, that it was no part of the parish: when the parish perambulators offered to come upon their property, they

should have resisted, and protested, and proclaimed their right, and not have invited them on such occasions to partake their hospitality, or to use their chapel, without a whisper, that this was to be no evidence of parochiality.

On the other hand, the parishioners had not readily the means of knowing that the estates in question *have been always treated and conveyed as in their parishes*, in all those periods of history in which parochial descriptions are usually found in deeds. This fact was indeed within the knowledge of the owners of these properties, but was tenaciously concealed from the rest of the world.

Colleges of all sorts, even if not legally incorporated, are *quasi* immortal—before the dissolution when charity was altogether gratuitous, they doubtless were pre-eminent in its exercise; they brought few or no burthens on their parishes, they liberally contributed to the relief of their poor fellow-parishioners, and when almsgiving first ceased to be gratuitous — when charity became a tax, they in all probability exceeded in

their voluntary contributions, their quota as an obligatory rate, and were not called upon compulsorily; usage or rather non-usage, however limited, originated a supposed right of exemption, which that *esprit du corps* incident to our nature, and equally or more prevalent in the great, the rich, and the learned, than in the bulk of mankind, has tended to encourage. The fact is, that whoever will take the trouble to investigate the history, collectively and individually, of these supposed extra-parochial spots, will find that there is no hint or mention any where to be found of extra-parochiality, till long after the establishment of the poor-laws.

The analogy which the colleges for learning bore to the religious houses before the dissolutions—which religious houses were doubtless considered, not actually, but quasi extra-parochial—may have generated the idea that analogy was affinity, that similarity was identity, and that all such places were actually no part of the parish they were in.

The continuation of the charity of these colleges after the dissolution, as accustomed

before, together with the absence of any burthen imposed by them on their parishes, may well account for their not having been called upon during the early period of the poor-laws to contribute—the general influential character of the members of these colleges, and the importance of their favours individually to surrounding tradesmen, may have operated as it does undoubtedly at the present time in the universities, in prevent- a more prompt claim on the part of the parishes after the right had been suggested; and last, though not least, the doubt whether chambers, or the inmates of colleges, or inns of court, were legally liable to poor-rates, independently of all consideration of extra-parochiality, may most easily and simply account for these questions not having been all decided long ago, particularly as in some cases the decisions as to the non-liability of these places, have proceeded entirely on the ground of privilege.

The question whether chambers were liable to poorr-ates without reference to extra-parochiality, was discussed in the year 1735

very much at length, in the Barnard's Inn case. That chambers are liable and that they cannot prescribe to be otherwise, was in all probability felt by the court at that time, and it has been tacitly and openly admitted ever since, but for some unknown reason the court, after all the pains taken in the arguments, never came to a decision on that case; and what that reason was, must now be matter of conjecture only, to every one who reads the report.

It appears by the report of this case* that the plaintiff, Mr. Moxon, was an attorney, inhabiting and practising his profession in chambers in Barnard's Inn, not having any other residence, and being a member of that society; and that the defendants, Horsenail and another, had distrained the goods of Mr. Moxon for poor-rates, rated on him by the churchwardens and overseers of the poor of St. Andrew's parish, for which this action of trespass was brought. The jury found a special verdict, retaining the facts, and if upon

* Comyn's Rep. p. 534—Bott's Poor Laws, I. 129.

those facts, the plaintiff was legally liable to be assessed, then they found a verdict for the defendant—but if otherwise, then for the plaintiff; leaving the question of law to the decision of the Court, which question came on for argument in Easter Term, 9th George II.

On the part of the plaintiff it was contended, that though the statute of 43d Elizabeth enacts that every *inhabitant* shall be rated to the poor, yet that the word inhabitant could not be taken in its most comprehensive sense, as it would then include all women, servants, children, &c., but must be restricted to a householder. That the plaintiff must be considered as a guest, occasionally residing in his chambers for the study and practice of the law, as a mere lodger, and not as an inhabitant contemplated by the statute.

On the other hand it was argued that a chamber is *domus mansionalis;* and it was established law that a burglary may be committed by breaking and entering into it with a felonious intent—that although the chambers had not been rated before, there can be no prescription against an act of parliament; and

SKETCH

OF THE

ANCIENT HISTORY OF THE PARISH OF ST. ANDREW, HOLBORN.

THE parish of St. Andrew, Holborn, is remarkable for having within its boundaries several supposed extra-parochial estates;* but a review of the ancient history of so much of this parish as may be directly or indirectly connected with the supposed extra-parochiality of these properties, will, it is submitted, sufficiently evince the fallacy of this supposition.

The church is necessarily more or less connected with all the lands within the ambit of its parish; we shall therefore begin with a

* Barnard's Inn, Furnival's Inn, Staple Inn, Gray's Inn, part of Lincoln's Inn, Ely Place, and Thavies' Inn.

brief notice of its early history, which will be found to contain evidence applicable to the estates alluded to.

The Church.

It has been already stated that the Doomsday Survey, does not mention any church in the county of Middlesex. It may be observed, however, that Holeburne is mentioned among the ancient demesnes of the Crown, though not as a manor, as follows:—

"At Holeburne, the King hath two cotarii, "which render by the year, 20*d.* to the King's "sheriff. In the time of King Edward the "Confessor, the sheriff always kept these "cotarii. William Chamberlain renders to "the King's sheriff 6*s.* by the year, for the "land where his vineyard is placed."*

At the time of the Domesday Survey, the

* Doomsday Book, I. p. 127. We may have occasion to notice hereafter that this vineyard was probably on the site of the Ely property. A controversy arose a few years ago relating to the culture of the vine in England: Agard first started a doubt whether by *vineæ* we were not to understand orchards. Atkyns, in his History of Gloucestershire, and Barrington in the Archaelogia, supported this notion. Dr. Pegge, however, considered the question still further, and proved, from undeniable authorities, that by the term *vineæ*, true and proper

whole county of Middlesex was divided among twenty-two persons, and the church of St. Paul appears then to have had much the most considerable portion; part of this church property belonged to the Bishop; a part to the canons or chapter; and some of the latter part again appears to have been holden independently by distinct prebendaries, who in many instances are stated expressly to have had the power of selling their particular lands without the consent of the Bishop. It will be seen in the sequel, that the church of St. Paul, or particular members of it, were in early time possessed of probably the whole county part of this parish, which was however alienated and sold into different hands before the date of the earliest records now remaining belonging to that cathedral.

From the date of Domesday to the commencement of the reign of John, few public records, except the great rolls of account of

vineyards only could have been intended. Doomsday returns at least eight-and-thirty distinct vineyards, and it appears therefrom that few of the great monasteries were without them.

The character of the cotarii of Doomsday is not satisfactorily ascertained.

the Exchequer, exist, and it is only in those of a private nature, such as the muniments of ecclesiastical corporations, &c., whether sole or aggregate, that we can expect to find information; and accordingly the first notice of this church, is in the register of the Dean and Chapter of St. Paul, as follows :—

"Be it known unto all the faithful, &c., "that the Lord Gladerinus, the priest, hath "given to St. Paul, and to the canons serving "God there, the church of St. Andrew, *which* "*is of his patrimony*, upon this condition ne- "vertheless, that the church of St. Saviour of "Bermondsey, and the monks of the same "church, may hold it of St. Paul, and of the "canons aforesaid, and may render yearly 12*d.* "for recognition in the church aforesaid."*

This deed is without date, but is probably as old or older than the time of Henry the

* Reg. D. and Ch. St. Pauls, lib. L. fo. 30. Newcourt's Rep. I. p. 273. It seems to be no unreasonable conjecture that this Gladerinus the priest was himself a canon of St. Paul, and that he or his official predecessors possessed the manor of Portpool, hereafter more particularly mentioned in right of the prebend, for the use of which manor one of these canons had built the church, leaving the advowson to his successors as lords of the manor.

Third. It is not very obvious why the canons of St. Paul should have been made trustees of the advowson for Bermondsey Abbey. It might however have been, because that house was then an alien priory, and therefore more immediately liable to the control and caprice of the crown, or it might have been, as is indeed more probable, because the Dean and Chapter were at that time lords of the manor of Portpool, including all that part of this parish which is in the county of Middlesex. Be this, however, as it may, it is certain that the abbey continued patrons till its dissolution, when the advowson fell to the crown.*

Although the advowson of this church came thus early into the possession of a religious house, it does not appear that Bermondsey Abbey ever appropriated the rectory to itself, or ordained and endowed a vicarage, a consequence which at that time almost universally ensued from a similar state of facts. It is probable that this benefice escaped being divided, in consequence of the right of presentation being vested in the chapter of St.

* Min. Acc. Bermondsey Abbey, Aug. Off.

Paul, though that of nomination was given to Bermondsey Abbey, whereby perhaps neither of these ecclesiastical corporations had an incontrollable power without the consent of the other, as well as of the Bishop, to divide the church, and it has in consequence continued a rectory in the incumbent to the present period. The abbey, however, appears to have reserved to itself, out of the rectory, a pension or money payment amounting to about one third of the total value of the church.*

Henry the Eighth granted the advowson on the dissolution of Bermondsey to Thomas Lord Wriotesley, then Lord Chancellor, and afterwards Earl of Southampton, who died at his house in Holborn, then called Southampton House, in 1550, and lies buried in a vault under the choir of this church. It continued in this family till the death of the last earl in 1667,† when it passed to a female heir, and is now vested in the Duke of Buccleugh.

The next most ancient mention found on

* Taxato Ecclesiastica, 1291.

† Strype's Stow, I. p. 726.—Pennant's London, &c.

record of this church is in the well-known ecclesiastical taxation of Pope Nicholas the Fourth, about the year 1291.

The first-fruits and tenths of all ecclesiastical benefices were in early times paid to the Pope; and Pope Nicholas the Fourth, about the year 1288, granted the latter to King Edward the First, for a term of years, to encourage and assist him in the holy wars; on which occasion a valuation of all such benefices was made, and the church of St. Andrew is thus returned:—

"The church of St. Andrew of Holborn, "[worth] £6. 13*s*. 4*d*.

"A pension of the Monastery of Bermond-"sey in the same, £2. 13*s*. 4*d*."*

The total value of this church was therefore at this time, £9. 6*s*. 8*d*., but the incumbent's benefice amounted only to £6. 13*s*. 4*d*.

It is always a subject of curious and interesting inquiry, and is frequently one of importance to the Courts of Equity, in adjudicating on the spiritual profits of churches, to ascertain the relative value of the benefices

* Taxatio Ecclesiastica, circa 1291 in scac.

at the period of this and other ecclesiastical surveys, as compared with their present amount. It is obvious that such an inquiry is of a difficult and complicated nature, and that results deduced from such premises as can be ascertained on the subject, should ever be regarded with great caution and suspicion.

The value of money at different periods, is an important and difficult science of itself. Fluctuations in the value of property were formerly much greater than at present; war was much more operative in its dire effects; pestilence was much more frequent in its terrific visits, and, unopposed by science, was infinitely more extensive in its dreadful ravages; and other calamities, which man in his present state can ameliorate or altogether avert, were then incontrollable against persons and property.

It appears by numerous extents or surveys now existing, taken in the thirteenth or fourteenth centuries, that arable land was then let at from 2*d*. to 6*d*. an acre, and meadow from 4*d*. to 1*s*.

Bishop Fleetwood in his Chronicon Pre-

ciosum, has collected much curious information on the value of property, the price of labour, &c. in early times in this country, in which the fluctuations appear to have been very great and extraordinary. In 1286, for instance, wheat was sold at 2s. 8d. per quarter, but such a storm of rain, thunder and lightning fell on St. Margaret's night, that wheat came by degrees to 16s. a quarter, which dearness (but not without much fluctuation) appears to have continued for forty years. In 1287, however, it was sold for 3s. 4d. a quarter, and in the following year for 1s. 6d. only.*

Under the act of 26th Henry the Eighth, granting the first fruits and tenths of the church to the crown, another general survey was made of all church benefices. St. Andrew's church is thus returned in that survey:

"The rectory of St. Andrew in Holborn.
"John Bruggs, Clerk, is rector there. And
"which rectory in the rectory-house and other
"its emoluments whatsoever, is worth by the

* H. Knyghton. Angl. Sacr. — Ann. Wigorn. — Stat. Clera.

" year clear, beyond 7s. paid to the archdea-
" con of London, for yearly procurations and
" synodals, £15. 13s." *

It was this year (1533, 25th Henry the Eighth) enacted, says Stow, that butchers should sell their beef and mutton for three farthings, which being devised for the great commodity of the realm, as it was thought, has proved far otherwise; for at this time fat oxen were sold for 26s. 8d., fat wether for 3s. 4d., fat calves of the like price, a fat lamb for 12d. The butchers of London sold penny pieces of beef for the relief of the poor, every piece two pound and a half, sometimes three pound, for a penny, and thirteen, sometimes fourteen, of these pieces for 12d.; mutton 8d. the quarter, and one hundred weight of beef for 4s. 8d. It appears, moreover, from the same chronicle, that the average price of wheat was for many years, in the middle of this century, at about 8s. a quarter, though it occasionally deviated to an extent quite unknown in our time.†

* Valor Ecclesiasticus temp. Hen. VIII. 1.

† Chronicon Preciosum, p. 94.

The return of the commissioners, therefore, of the value of this living at that time, collated with the almost contemporaneous assertion of honest John Stow, shews, that the total annual income from this benefice would not, at that time, have sufficed to purchase twelve fat oxen.

Newcourt* quotes a MS. return of this rectory in Sion College, in which no parsonage-house, glebe or casualties are returned, but only tithes £350 per annum. This being only one hundred and thirty-three years after the last mentioned survey, shews a very extraordinary increase not easily to be accounted for, and which it is not necessary here to inquire into. During this interval, however, the profits of the London clergy were the subject of a great deal of discussion, especially in the Privy Council and in the Star Chamber, and the statute of Henry the Eighth, and the decree of the referees made under it, endowed the London clergy with

* Repertorium, I. p. 273.

a poundage *nomine decimæ* of 2s. 9d. on the rents of houses.*

In 1650, another survey was taken of this benefice by the commissioners, acting under the authority of the House of Commons, who state thus:—

"Imprimis, we find that the parish of "Andrew, Holborn, is two distinct liberties, "(viz.) London and Middlesex; and that "the parsonage or rectory, whereunto be- "longs the cure of soules, standeth in Lon- "don, is called by the name of Andrews' Hol- "born, London; and that part of the Parish "which standeth in Middlesex, being the "greater, hath neither parsonage nor rectory "thereunto belonging, other than the before- "mentioned.

"2. That the rectory of Andrew, Holborn, "standing sequestered from Doctor John "Hackett, and by the committee for plun- "dered ministers, invested upon Mr. Samuel "Bolton, who lately officiated there; and that "the place since hath been provided with

* Cooper's Chronicle.—Strype's Stow, II. p. 136.

" godly and orthodox divines, by the care of " certain inhabitants to whom the committee " for plundered ministers hath referred the " care thereof.

" 3. That the yearly value of the said rec- " tory in both liberties, amounteth to three " hundred pounds, or thereabouts.

" 4. That the said rectory hath been sup- " plied for the space of two years and three " months, ending about the one and twentieth " of July, 1649, by Mr. Samuel Bolton, for " which he hath received the salary of three " hundred and six pounds or thereabouts; " since which time we have been supplied by " Mr. Samuel Frake, Mr. Blakewell and other " godly and orthodox ministers, for which " some have received forty shillings a Lord's " day, and thirty shillings, and some six and " twenty shillings and eight pence, and some " twenty shillings a Lord's day, for preaching " in the said church by appointment of the " referees. And that the right of patronage " did formerly belong to the Earl of South- " ampton, but upon his composition reserved " in the hands of the parliament.

" 5. That there are no chapels which belong " to the said parish, nor any lands or rents " belonging to the said parsonage, other than " the several rates laid on the several houses.

" 6. That the moneys accruing by the same, " are disposed of as aforesaid.

" 7. That the parish of Andrew, Holborn, " is of a large extent, and so populous, " that the inhabitants and others residing " there, cannot conveniently repair to the " said church to partake of the public or- " dinances; and that for the reason afore- " said there will be a necessity, (as we hum- " bly conceive,) of dividing the said parish, " and erecting a new church. And that the " Earl of Southampton (when the parliament " had under their consideration the dividing " the parish) was pleased to set a parcell of " ground apart for erecting a church upon, " which parcell of ground now lyeth as then " set apart. The inhabitants hope his lord- " ship still intends for the same use.

" 8. We find that the said parish being popu- " lous, as aforesaid, for redress of that incon- " venience, there was by the present foreman

"of this jury, in June 1641, in behalf of that "part of the parish of Andrew Holborn, Mid- "dlesex, a bill exhibited in Parliament; and a "committee appointed to take it into consider- "ation, upon examination, did find it very con- "venient to divide the same, and did likewise "find convenient that the lands and stock of "money then in bank and belonging to the "said parish, (of which stock the Parliament "in 1642, the necessity of the then times being "urgent, did borrow of the said stock six hun- "dred pounds,) should be divided, and that "part which stood in Middlesex should have "the one moiety of the lands and money afore- "said, settled on them and their heirs for ever, "besides other ways, which was then pre- "sented in the said bill. We hope the piety "and wisdom of the Parliament will take the "premises into their serious consideration, it "being a work so much tending to the glory "of God and advancement of the Gospel."*

The several surveys of this church before mentioned, taken at different and distant times, especially that taken by the parlia-

* Parliamentary Survey in Lambeth Lib.

mentary commissioners, are by no means unconnected with the subject of the supposed extra-parochial estates in the parish. Had this extra-parochiality been claimed or known at these several times, the later surveys especially would surely have noticed it. The parliamentary survey says expressly there were then no chapels (*i. e.* no parochial chapel) in the parish, which strongly negatives the right lately set up by the societies of Lincoln's Inn and Gray's Inn in favour of distinct parochiality in right of their respective chapels, and it is much more than probable that the commissioners who took this survey especially, whose accuracy and zeal is universally admitted, would have noticed these extra-parochial districts within the parish, had such a claim then been set up or thought of.

The above ancient records connected with the history of this church, afford, therefore, this negative result, that no extra-parochial estates within the limits of the parish are to be found mentioned in them, being the principal legal and historical documents connected with the ancient history of the church.

We shall now refer to some facts of a positive character, connected with the church, which alone ought to be sufficient to establish the fallacy of the supposed extra-parochiality of some of these estates.

Richard Bentley, one of the churchwardens of this church, in the year 1584, who was certainly a lawyer, and, I rather think, a member of Gray's Inn, was evidently a very zealous and useful officer of this church; and he appears to have taken the pains to compile, from the then existing ancient parochial registers, a chronological succession of remarkable events relating to the parish; and his compilation presents altogether a very curious historical document, though it is, unfortunately, inadmissible as evidence in a court of law. It is, however, clear from this, that though Lincoln's Inn and Gray's Inn have for ages had private chapels on their own properties, the latter of which was an endowed chantry, as we shall see hereafter, yet both these learned societies *had each a chapel also in this their parish church;* nor is this at all surprising, when we consider

that it was provided by the seventy-first canon of the church, that even lords and great men who had private chapels in their houses, should nevertheless resort at stated times to their parish church; and hence we find in many ancient churches, particularly in the country, at the present day, that there is a separate chapel for the use of some great family, though such family had doubtless a chapel in their own mansion-house. Bentley's Register also proves that the four minor inns or inns of Chancery in the parish, had each in the Catholic times, its altar in the church. The extracts themselves are inserted hereafter.

The burial and other registers in the church begin in 1558, and these several supposed extra-parochial spots, viz. Lincoln's Inn, Gray's Inn, the four inns of Chancery, Ely Place, and Thavies' Inn, are one or other mentioned in almost every page of these registers, where addresses are to be found to the number of some thousand instances, and it is not in any one instance stated, that either of these places are extra-parochial, save a very few which have been improperly inserted

in modern time and since the question of extra-parochiality has been agitated. There are, however, many registrations of deaths in these Inns, with a note that the bodies were buried elsewhere.*

One reason why no proof of any payment of church-rate from the several supposed extra-parochial estates in this parish exists is, because a very considerable estate was left by one John Thavie, some centuries ago, for the support of the fabric of this church. A more particular allusion will be made to this estate when we come to speak of Thavie's Inn; and it is mentioned here merely with reference to the fact of church-rate, in this parish, in ancient times, having been unnecessary. The mention of it here, however, leads us to the subject of the select vestry of this parish, who are feoffees, not as a corporation, but in trust, by a series of

* It appears by several returns to the Star Chamber preserved in Lambeth Library, that there was formerly a very general custom in London, for the incumbent of the parish to take a mortuary or burial fee for his parishioner, even though his body were buried in another parish. See also Burn's Eccl. Law—*Burial*, and Gibson, p. 453, and Keb. II. p. 778, and III. p. 523, there quoted.—See also *post*, p. 72.

successive feoffments, from survivors to new trustees of this church estate, and in whom the secular government of this church has certainly existed for upwards of two centuries; and it is remarkable that some of these feoffees appear very generally to have been members of the inns of Court or Chancery.*

The real nature and character of the select vestry in question, is candidly stated in an answer of the churchwardens and parishioners presented to the Star Chamber, in 1635, which follows :—

"The churchwardens of the parish of St. "Andrew's, Holborn, having received a com- "mand from the Right Reverend Father in "God, William Lord Bishop of London, and "other the lords and judges of the High Court "of Star Chamber, to answer four interroga- "tories propounded in writing, upon mature "advice and consultation with the rector, and "some of the ancient inhabitants of the said

* See Bentley's Register, and the Fine in the Chapter-House, Mich. Term, 1573, Whyklyn Clerk, plaintiff, Serjeant Lovelace and others, deforciants.

" parish, make their most humble answer to " their lordships, as followeth :—

" 1st. The businesses of our parish are not " ordered by a vestry. But that part of the " parish which is in the liberties of London, " hath an inquest to inquire into nuisances and " other small trespasses, and doth present them " yearly to the Lord Mayor, and to the Bench " of Aldermen. Likewise, that part of the pa- " rish which is in Middlesex hath an inquest " yearly chosen to do the like on their behalf, " and do transmit their presentments to the " Sheriff of Middlesex.

" But some affairs belonging to the church " are consulted upon and ordered by the rector " and churchwardens, and a selected vestry of " twelve persons, grave and ancient inhabi- " tants, men of approved honesty, and good " discretion, and which is ever regarded in " their choice, men that are known to be well " addicted to the rites and ceremonies of the " Church of England, and no way prone to " faction ; six of these are inhabitants in the " part of the parish which is situated in Mid-

" dlesex, and six in that part of the parish
" which stands in the City of London.

"2d. We have no record, neither can we
" call to mind, that the said vestry was ever
" allowed under the seals of the Lord Bishop of
" the diocese, or his Chancellor. Neither do
" we know, or have ever heard, that the said
" vestry was ever disapproved, by any of the
" Right Reverend predecessors of my Lord Bi-
" shop, our most worthy diocesan. But where-
" as, two famous divines that were rectors of
" our parish were removed immediately from
" the said rectory to the See of London, the
" said Lord Bishops that knew the manner and
" order of our vestry, did ever approve of it,
" and gave it countenance upon all occasions.

"Moreover, according to careful inquiry
" made amongst the oldest inhabitants of the
" parish, and according to diligent search made
" amongst our most ancient records, we find
" that the said vestry of twelve selected per-
" sons hath been used time out of mind, so that
" no man can remember when the use of it
" began.

"3d. Our vestry claimeth no power, but "such as it is ready and most willing to sub- "mit in all affairs to my Lord Bishop, our "Right Reverend diocesan. They meet toge- "ther annually, in the week after Easter, ac- "cording to the canons, to choose new church- "wardens, or to continue the old. At some "convenient times of meeting, they require a "just and faithful account of the churchwar- "dens for such monies as are given in the "church, or at the church-door, by voluntary "oblation to the poor. And whereas certain "houses have been bequeathed about two hun- "dred years since, by a charitable benefactor, "and others have been purchased and built of "late years, for the reparation of the fabric of "the church, or to new build the said church, "when God shall enable us with a competent "stock, the vestry doth carefully look to the "due receiving of the rents of those houses, "and to the well managing of the leases, and "to such other pious offices as may conduce "to the advancement of those tenements for "the beautifying of the church. And all

" these things have ever been performed with " much peace and friendly love on all parts, " and without any discord.

" Also the receipts and disbursements of the " churchwardens for the whole year are every " year given up publicly before the whole pa- " rish, and summonses are published on the " Sunday before, after divine service, that the " accounts are to be given up on the day fol- " lowing, to the end that as many may be " present as please.

" 4th. We the churchwardens do collect and " receive against Easter, according to the rubric " of the common-prayer-book, and according " to the canons of the church, and according to " the oath which is administered unto us, the " charitable benevolence of divers parishion- " ers, to defray the charges of bread and wine " which are spent throughout the year at the " holy communion.

" At the churching of a woman that is an " inhabitant, she payeth ninepence, and a " stranger or lodger payeth at her churching " eighteen pence to the parson and clerk.

" Also for a marriage, whose banns are pub-

" lished, if it be solemnized in time of divine " service on Sunday, the sum of three shillings " is received; if it be solemnized on working " days, five shillings; if it be a marriage upon " licence, the voluntary courtesy of the bride- " groom is only expected, who most commonly " bestoweth ten shillings on the minister and " clerk. Neither hath any other custom been " known for receiving duties upon these occa- " sions.

" Concerning burials, if any one dieth in our " parish, and the corpse be carried away, we " have no certain rule or direction for it, and " do humbly crave that the grave authority of " those to whom it doth belong would appoint " what should be observed in that case.

" If any corpse be interred, and the ground " be opened in the chancel, the rector of the " parish receiveth fifty shillings, and the in- " stance of recovering that sum is recorded in " the ancient book of our parish ever since the " first of Queen Elizabeth, as the rector is able " to produce it.

" Also we have a table of fees fixed to a pillar " of the church for rates of burial in the church

" or church-yards, the particulars whereof are " observed, unless when we bury the poor " gratis. Neither is there extant any register " in the parish of any other fees that have " been taken for burials.

" Neither, upon diligent examination, can " the witness be produced of any person that " can remember when the receiving of those " fees begun."*

Much biographical matter of considerable interest relating to the several eminent divines who have held this rectory might be inserted here; but as history is a secondary consideration in the present volume, and is subservient to the principal object or attempt to prove the fallacy of the supposed extra-parochiality of parts of this parish, it may be more pertinent to proceed at once to the consideration of these supposed extra-parochial estates, premising merely that there is an original petition to the archbishop in Lambeth Library, not dated, but by the hand-writing appearing to be of the time of Elizabeth, on the behalf of a Mr. Heaton,

* MS. in Lambeth Lib.; a table of fees is appended.

a retained preacher of this parish by *the "parishioners of St. Andrew's in Holborn,"* signed by nine names, described as ancients of the Inns of Court, also by the principals of the five Inns of Chancery, by nine attornies, not referred to the Inns, and by sixty-four other parishioners.*

The territorial Extent of the Parish of St. Andrew.

THE parish of St. Andrew appears in early times to have included that part of the liberty of the city of London which to the present day constitutes the city liberty or division of the parish, the bounds of which in ancient times were certainly more extensive than at present, including at least all that part of the parish now in the county, which lies on the south side of Holborn ;† and the whole or the greater part of the manor or precinct of Portpool, in the county of Middlesex.

The precinct of Portpool is a Peculiar in

* Cartæ Miscellaneæ, Lamb. lib. vi.

† See the following historical observations on Lincoln's Inn and on the site of the Old Temple.

the dean and chapter of St. Paul, and one of the churchwardens of this parish, who represents the upper liberty, or Portpool precinct, is sworn into office before the surrogate of the dean and chapter as their officer for the Peculiar.*

There is also existing at the present day a court-leet for the manor of Portpool, whose jurisdiction is commensurate with the upper liberty of the parish, including the Ely liberty and the parish of St. George, hereafter mentioned.

About the year 1290, Luda, bishop of Ely, purchased several contiguous properties which appear to have been within the precinct or manor of Portpool, on which he began to build a palace, and on his death bequeathed the whole in mortmain to the see of Ely; and as that see was endowed by various ancient charters to the bishops, with rights little short of Jura regalia, the sheriff, and other the King's officers, being excluded from all the lands belonging to the see, this property, with other contiguous lands which

* Newcourt Rep. I. 57.

belonged to the dean and chapter of Ely, became, in right of its privileged owners, a distinct liberty of itself, which now constitutes that portion of the parish known by the modern definition of the liberty of Saffron Hill, Hatton Garden, and Ely Rents.

By act of Parliament of Queen Anne, and the proceedings which took place under it, the parish of St. George the Martyr, Queen Square, was also separated from the Upper Liberty, or Portpool division of the parish, and was erected into a distinct parish for spiritual purposes, but united with St. Andrew's as to poor and other secular affairs.

The remainder of the manor of Portpool, therefore, after deducting the Ely property and the new parish of St. George, Queen Square, now constitutes what is called the upper liberty of this parish, which, with the Ely liberty and the City liberty, make up the whole.

The Manor of Portpool.

The name Port or Purt-pool is purely Saxon, and means the town pond. It appears

by various ancient records,* that there was a large pond on part of the present site of Gray's Inn, between the south side of the chapel and Holborn High-street, sometimes called Blose-Pond, from which a ditch proceeded eastward, probably to the river Fleet; and it seems, therefore, very likely that the manor took its name from this pond, which, from its contiguity to the city liberties, might well have been called the town pond or Port-pool.

The earliest notices found of the manor of Portpool are in the reigns of Hen. III. and Ed. I. when the dean and chapter of St. Pauls claimed to have a leet jurisdiction within their soke of Portpool,† which leet still exists in the parish, over the upper liberty, the Ely Liberty, (for which, however, a separate jury of resiants is sworn,) and the parish of St. George, Queen Square, as before stated; this leet is now holden by the sheriff

* See Parton's History of St. Giles's Hospital, and the records there quoted.

† Placita de Quo Warranto, p. 457.

of the county, probably as an escheat to the crown, on the dean and chapter, alienating the land, in right of which land, and of the charter hereafter mentioned, they held this court.

It appears that William the Conqueror granted to the church of St. Paul, in all their lands within boroughs and without, soc and sac, thol and them, infangenethef and grithbreche, or in other words, a peculiar legal jurisdiction in themselves, independent of the officers of the crown, or of the municpal officers of the district surrounding such lands.* This, therefore, gave them a court-leet in all their estates, and accordingly, in answer to a quo warranto against them, in the time of Edward II., calling upon them to shew by what authority they exercised these rights in the city of London and its suburbs, they shewed this charter of William I., among others, and claimed to have under it a soke, or leet at Cornhill, at Bishopsgate, and at Holborn.

* Plac. de Quo Warranto, p. 476.

The dean and chapter, moreover, without the bishop, claimed to have a view of frank, pledge, or leet, amends for the assize of bread and beer broken, a pillory, a tumbrel, infangenthef, utfangenthef, gallows, the chattels of their condemned and fugitive tenants, year and waste of their lands, and amerciaments of their men in various places in Middlesex, including Purtepol soke.

Neither the public records, nor those of the church of St. Paul, inform us by what means the church became possessed of this property at Portpool. The Doomsday Survey, as we have noticed, does not mention Portpool, but speaks of certain lands belonging to the crown, which had never then been granted out in Holborn, and of various properties in the Hundred of Ossulston belonging to the canons or chapter, which properties cannot now be identified, but which, in all probability, included what was afterwards the manor of Portpool. However this be, the moment any lands came into the hands of the clergy of the church of St. Paul, they would, in virtue of the charter of William I., have exercised an independent

jurisdiction by a court-leet and a court-baron, in such lands.

If the whole of the manor had at all subsequent times been treated as extra-parochial, there might have been some pretence for it in right of the appropriation of the land to the church of St. Paul before the creation of the parish of St. Andrew, but it is curious to observe that the society of Gray's Inn, as we shall see hereafter, after having placed the pretended extra-parochiality of their estate at one time on the false foundation, that it once belonged to the convent of St. Bartholomew,* (which it never did,) now claim the same right, in consequence of such estate being a very small portion of one which once belonged to the dean and chapter of St. Paul, although the same dean and chapter have possessed, together with this estate, the whole manor of Portpool, or county part of the parish, and also extensive properties at Chiswick, Sutton, Willesden, Islington, Shoreditch, Stoke Newington,

* Report of Dowson *v.* Lowe, in Du Carrel, Hist. of Lambeth Palace.

Kentish Town, Drayton, and Fynesbury in this county, as well as various estates in other counties, no part of which ever pretended to extra-parochiality; and although there is certainly, in all probability, not an instance to be found of any cathedral land whatever enjoying extra-parochial rights, except those lands which immediately surround the cathedral itself, and which have been before adverted to.

The vill (villa and villata) of Portepol is mentioned several times in the Placita Coronæ, in the times of Henry III.* and Edw. I., in consequence of murders and violence done therein; and as one of these in particular is rather curious, we shall notice it more at length. It seems that in the 54th of Henry III., 1269, one Flochkin le Clerk, who was probably an ecclesiastic, slew Stephen le Messor by beating him on the head with a club, in the field of the Mill of Portpool, (probably the very site of Gray's Inn, which had a windmill upon it,) and that Walter Bryt and John Clerk assisted at the murder.

* Plac. Coronæ, 26 Ed. I, ro. 20, 56, 58, and 61.

These men belonged to the family *(fuerunt de manupasta)* of Roger, parson of the church of St. Andrew. The two accessories escaped, and the principal took sanctuary in St. Andrew's church; and as it was not known what decennary they belonged to, Roger was indicted as answerable for his family, according to the practice of the time; and the record of this transaction concludes by stating, that "afterwards came the aforesaid "Roger, and defended his having received "the murderer after the fact. And the jury "say that he hath not received the said Flo-"rek at his own house; but they say that "the same Florek betook himself to the "church of St. Andrew, of Holborn, and "there stayed for three days; and afterwards, "by the consent and conduct of the afore-"said Roger, he departed." Roger was therefore detained in custody, but the officer of the Bishop of London claimed and received him as an ecclesiastic out of the civil jurisdiction, and the result of the affair does not appear.*

* Plac. tam. de Jur. and Assis. quam de Corona, 2 Ed. I. 20.

The dean and chapter seem to have sold this property, soon after the last mentioned date, to one Robert Chigwell, a name which occurs in the city records of that time as a citizen of wealth and consequence, reserving, however, a small quit-rent. Chigwell in all probability sold it to Reginald Gray of Wilton, which brings us immediately to the history of Gray's Inn, one of the estates in the parish, which its owners claim to be extra-parochial.

Gray's Inn.

The distinguished family of the Greys descended from Henry de Grey, of Codnar—the first of them on record. He was a considerable grantee of the crown, in the times of Richard the First, King John, and Henry the Third, and died, leaving six sons, the second of whom was John de Grey, the father of Reginald, who appears to have been the first owner of the family of this estate.

This John de Grey, Justice of Chester, flourished during the long reign of King Henry the Third, and was made successively sheriff of the Counties of Buckingham and Bed-

ford, constable of the Castle of Gannoc, in North Wales, Justice of Chester, and lessee for years of the crown's possessions in that county, Governor of Northampton Castle, Steward of all Gascoigne, Governor of the Castle of Shrewsbury, Warden of the Cinque Ports, Sheriff of Herefordshire, and Governor of the Castle of Hereford, and after the battle of Eversham, in which he fought on the side of the king, Sheriff of Nottingham and Derby.*

Reginald, the son and heir of John, seems, like his father and grandfather, to have been much in favour with royalty, and had frequent substantial proofs thereof in the various gifts he received from King Edward the First, including among them the office of Justice of Chester. Like his father he seems to have mixed the judicial or civil character with the military, and frequent mention is made of him as active in the Welsh and Scottish wars. In the 25th of Edward the First, when the King went into Flanders and committed the government at home to his

* Dugdale's Bar., I. p. 712.

afterwards unhappy son, this Reginald de Grey and others were associated with the prince in the regency; nor could the interest of his family have suffered by the marriage of his daughter with Ralph, Lord Basset of Drayton.

This Reginald, among his other very extensive estates, died seised of the manor of Portpoool, which is thus described in the inquisition taken on that event: "A messuage "and garden, a dove house, thirty acres of "arable land, 22*s.* rent of assize, and a wind-"mill, held by 42*s.* yearly rent, and suit of "court of the church of St. Paul."*

It will be observed that this short description of so extensive a property does not afford particulars; it is nevertheless sufficient to include the whole manor, though such manor be co-extensive with the bounds of all that part of this parish which is without the city liberties, including the parish of St. George, but excluding the Ely property. The house, garden, and dove-house clearly include the

* Esch. 1 Ed. n. 54.

Lord's demesnes, and the existence of a dove-house would sufficiently evince, in the absence of other evidence, that the property was a manor; the thirty acres of arable land include that which belonged to the lord, and had not been granted out to freehold or copyhold tenants, constituting a species of demesne which might be cultivated by the lord, or let to mere lessees at will or for terms, and 42*s*. rent of assize is sufficient to cover a very large extent of land in the hands of free-holders or copyholders of the manor, holding many acres at an assized or fixed rent of a few pence. So that this description, though concise, is sufficient to cover the extent of property which this manor included, even before the separation which afterwards took place.

Reginald de Grey left a son and heir, John, who succeeded with other estates to the manor of Portpool.

John, like his ancestors, united the civil with the military character, and was Justice of North Wales, where the family had extensive estates, as well as a military commander,

and his treatment of the property in question sufficiently evinces that he was well disposed toward religion, however mistaken we in these times may consider his expensive piety. About 1314, he, with the king's licence, conveyed to the Priory of St. Bartholomew in Smithfield, to provide a priest to sing mass for his own soul, and for the souls of his ancestors, in the chapel of his manor of Portpool, the thirty acres of arable land in Portpool before mentioned, together with 10*s*. of his free rents there, and four acres of meadow, which property is described in the licence to alienate, and in the writ of ad quod damnum, and return of the jury thereto on oath, to be in the parish of St. Andrew, Holborn, and in Kentish Town, near London,*

It has been pretended that the description of the thirty acres of arable land and of the four acres of meadow, as in St. Andrew's

* Triginta acras terræ, duas acras prati, et decem solidatas redditus cum pertinentiis in le Kentishtown, juxta London, et in parochia Santi Andreæ de Houlborne, extra burram veteris Templi, Londoni. Inquis. ad quod damnum, 8 Ed. II. n. 169. Also Rot. Pat. 8 Ed. II. m. 10.

parish and in Kentish Town, proves that both the arable and meadow were situated in Kentish Town, and that Kentish Town was in the parish of St. Andrew; but a comparison of the documents containing this parochial description, with the inquisition on the death of Reginald Grey, will sufficiently convince every unprejudiced mind that the parochial description applied to the thirty acres of arable, and that there was nothing but the four acres of meadow to which the locality of Kentish Town could apply.

It appears, moreover, that St. Bartholomew's Hospital was possessed from this period till its dissolution, of four acres of chantry meadow land in Kentish Town, and of an estate to the extent of thirty acres in this parish.

The parochial description in these documents, does not certainly apply itself to Gray's Inn, but it proves that the demesnes of the manor, not in the actual occupation of its lord, (of which manor, Gray's Inn was the residence of the lord,) were in the parish of St. Andrew; and there is no apparent reason

to negative the inference, that, if part of the demesnes were parochial, the whole were so.

It may be tedious to the non-professional reader to wade through the different descriptions of this estate, which the several documents connected with its history afford. In ordinary cases of history, a marginal reference to these documents would have been sufficient, but in the present case, a little more detail, however tiresome, may be necessary.

John de Grey died in 17 Edw. II, and was succeeded by his son Henry,* of whom, nothing very memorable remains recorded, except that he served Edward II. during his father's life-time in the French war.† He died in 16 Edw. III, leaving a son and heir, Reginald,‡ who was summoned to Parliament from the 17th till the 34th years of King Edward the Third; he departed this life in the 44th of Edward the Third, possessed, among other property, of "a certain Inn, (*Hospitium,*) in "Portpole, near Holeburne, with one garden, "and eleven small shops, together with three

* Esch. 17 Ed. II. n. 74. † Dugdale's Bar. I. p. 713.
‡ Esch. 16 Ed. II. n. 46.

" acres of land adjoining," held of the Dean and Chapter of St. Paul's, by the service of 32*s.* and 2*d.*, which Inn was then leased.*

This appears to be the first description of the property now remaining, after the severance from it of the thirty acres, which John de Grey gave to St. Bartholomew's Priory. The Inn, or house, was not then the residence of Lord Grey, but was under lease, and though it does not appear to whom, there can be no doubt that it was to the society. This second Reginald left a son, Henry, his heir.

This Henry, in 40 Edw. III., was one of the retinue of John of Gaunt, Duke of Lancaster, in his expedition into Gascoigne; and in 50 Edw. III. was summoned to parliament.† He died 19 Richard II., leaving Richard his heir, then only three years of age, and by the inquisition taken at his death, it appears that he had conveyed " his manor " of Portpool in Holborn, called Grey's Inn," to certain feoffees, probably for certain trusts.‡

* Esch. 44 Ed. III. n. 30. † Dugdale Bar. i. p. 715.
‡ Esch. 19 Ric. I. n. 29.

This description sufficiently identifies the present estate.

This Richard de Grey lived till 1441, the 20th of King Henry VI., and few or no memorials remain of him worth repeating. In that year he died, seised of the manor of Portpole called Gray's Inn, with the appurtenances in the county of Middlesex, worth per annum five marks, holden of the Dean and Chapter of St. Paul's, leaving Reginald his son and heir.*

This third Reginald Grey, by the style and title of Lord Wilton, conveyed this property, by the description of "the Manor of Portpole, commonly called Grey's Inn, 20th Nov. 1456, to Bryan Urswyke and several others, who are not so described, but appear nevertheless to have been lawyers; and these feoffees immediately conveyed over to Thomas Bryan, Esq., afterwards Sir Thomas Bryan, Knt., evidently in trust for the society. Sir Thomas Bryan, Knt., conveyed to Sir John Grey, Knt., Lord Wilton, John

* Esch. 20 Hen. VI. n. 23.

Blythe, then Master of the Rolls, Sir Reginald Bray, Knt., Thos. Rotheram, Thos. Fowler, and Thos. Woodmanage, Esqrs., Robert Brudenell, Sergeant at Law, and Thomas Woodward, gentleman; and in 1506, Edmund Grey, Lord Wilton, son and heir of Sir John Grey, Knt., late Lord Wilton, confirmed the deeds before alluded to.*

It will be observed that none of the inquisitions or deeds before mentioned describe Grey's Inn as in the parish of St. Andrew, and any person not conversant with the general nature of ancient documents, might be induced to infer therefrom, that the Estate was not described as in the parish, because it was extra-parochial. It is, however, neither candid or very honest in those who may be better acquainted with ancient records, to aver, or to insist for one moment, that such an inference is legitimate; for the truth is, that estates are, I will not say never, but most certainly very rarely indeed described by their parochial locality, till in and after the

* Placita de Banco Mic. Term. 22 Hen. VII., in the Chapter-House, Westminster.

time of Henry the Seventh, except, indeed, in large towns and cities, in which, necessity induced a parochial description much earlier, there not being any manor, township, vill, or other civil boundary to which they could be referred. It is needless to refer to instances in support of this assertion, as almost every inquisition post mortem of the date predicated which may be consulted, will afford one.* Let it be remembered also, that those who contend for the extra-parochiality of this property, admit its locality within the parish, but deny its being part of the parish, so that these records might, as they contend the subsequent documents do, contain a description

* One qualified instance to the contrary may be found in this volume, in the inquisition taken on the death of Roger Le Straunge, seised of Lincoln's Inn, which is described as in three parishes; but the very circumstance of the peculiar situation of this property at the edge of these parishes, was sufficient to render a parochial description necessary; besides which, it will be observed, that the inquisition was taken by the Mayor of London as escheator, and all the inquisitions taken in the city do contain parochial references. The Inquis. 8 Edw. II. and Pat., mentioned at p. 87, are also exceptions; but it will be observed that a parochial description seemed necessary in these documents, to distinguish one part of the land mentioned therein from another.

of parochial locality, without prejudice to its non-parochiality.

On the contrary, the escheator or officer before whom these inquisitions were taken, and the persons by whom they were taken, must, one and all, have been guilty of a gross dereliction of duty, and upon their oaths, if they omitted to return that this property had appended to it a right so valuable and so singular as extra-parochiality; they were bound to return the full value of the property on which they made the inquiry, and it cannot be denied that this was an appurtenant of no inconsiderable value. It is indeed true that a description of an estate as extra-parochial in early times, is not readily, and perhaps not at all to be met with; but this results from the facts that extra-parochial places are by no means so numerous or extensive as might be imagined, and that they are confined principally to crown or church property, or such as was in mortmain, which seldom or never is the subject of inquest or conveyance.

One positive is worth a host of negatives, and the negative inference from a dozen

ancient records, which are silent on the subject of parochiality, that therefore the estate is extra-parochial, is destroyed by one which states that it is within the parish. Instead of a single instance, however, the following may be produced.

The family of the Greys, though they seem to have enfeoffed several gentlemen, members doubtless of the society of this property, did not absolutely alienate it till 1506, the 21st Henry the Seventh, when Edmund Lord Grey of Wilton, who that year had special livery of his lands as son of John, son of Reginald, son of Richard, who died in 1441,* conveyed to Hugh Denys, Esquire, amongst other things, "his manor called Portpole, "otherwise Gray's Inn, four messuages, four "gardens, the site of a windmill, eight acres of "land, 10*s.* of free rent, and the advowson of "the chantry of Portpole aforesaid, with all "and singular their appurtenants, *in the pa-*"*rish of St. Andrew, Holborn, in the county of* "*Middlesex*, and all his lands and tenements,

* Dug. Loc. cit.

" rents, reversions, and services, advowsons, " and all other his hereditaments, with the " appurtenances in the said parish of St. An- " drew in Holborn, of the yearly value of 10 " marks."*

That this Lord Grey's heir might be effectually barred from any future claim to this property, which he might set up, Richard Grey, clerk, brother of Lord Grey, in the same year released to Hugh Denys, Esq. and several other gentlemen, who appear to have been lawyers of eminence, and were doubtless of Gray's Inn, all his claims, &c. in " the manor of Portpole, four messuages, four " gardens, one toft, eight acres of land, 10*s.* " rent, and the advowson of the chantry of " Portpole aforesaid, with the apurtenances " *in the parish of St. Andrew, Holborn*, in the " county of Middlesex."

And that every claim on the part of the Grey family might be effectually conveyed away, the same Edmund Grey, Lord Wilton, with his brother the Reverend Richard Grey,

* Rot. Claus. 22 Hen. VII. 59.

who had conveyed separately, and another brother, John Grey, Esq., jointly released to the same parties to whom Richard Grey above-named had conveyed, "the manor of Portpole, "four messuages, four gardens, one toft, "eight acres of land, 10*s.* rent, and the ad-"vowson of the chantry of Portpole, to the "same manor belonging and appertaining, *in* "*the parish of St. Andrew the Apostle, of* "*Holborn,* in the county of Middlesex."*

Still further to bar all entails or limitations which the family of Grey might have created in their own favour, a recovery in this same year 1506, 22 Henry the Seventh, was suffered of this property. This the non-professional reader will observe is a feigned action, in which Hugh Denys, Esq., and several other gentlemen, evidently trustees for the Society of Gray's Inn, were demandants or claimants of the estate; Serjeant Brudenell and Thomas Woodward, Esq. (who seem to have been the survivors of those gentlemen, to whom Sir Thomas Bryan, Knt., before mentioned as the

* Rot. Claus. 22 Hen. VII. p. 2, 33.

feoffee of Edmund and Reginald Grey, Lords Wilton), were tenants in possession, and Edmund Grey, Lord Wilton, was vouchee, and the estate is again, with all technical formalities, thus described as "the manor of Portpole, with the appurtenances, four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent, with the appurtenances *in the parish of St. Andrew the Apostle,* of *Holborn without the Bars, of the Old Temple,* London, and the advowson of the chantry of the manor aforesaid."*

Upon this recovery a fine was, as usual, paid to the Crown, and the estate is again described in the instrument which records the payment of such fine as the Manor of Portpole, &c., *in the parish of St. Andrew the Apostle, of Holborn, &c.*†

In addition to this, and to bar any claim of dower on the part of Lady Grey, a fine was also levied between Hugh Denys, Esq. and

* This description inserts the Bars. "In parochia sancti Andreæ Apostoli, in Holborn, extra barras veteris Temple, London. Plac. de Banco Mic. Term. 22 Hen. VII.

† Ibid.

the other (trustees) plaintiffs, and Edmund Grey, Lord Wilton, and his wife, deforciants of the manor, &c. as before, *in the parish of St. Andrew the Apostle of Holborn, &c.**

Fines and recoveries are altogether fictions of law, for the more effectually conveying and assuring an estate alienated; and as fictions are of course eminently matters of form, the slightest errors in them are daily amended by special orders of the court; and fines of extra-parochial lands, which have been described in the parish or parishes, which surround them, have been amended by the Court of Common Pleas striking out the names of the parish in which such lands are untruly alleged to be situated;† it is therefore a perfect sophism to contend that Gray's Inn can, in solemn formal instruments, be properly and correctly said to be in the parish, if, in fact, it be no part of the parish.

To prevent the painful repetition of sententious paraphrases, it might be legitimate enough in common conversation, to say that

* Pedes Finium, 22 Hen. VII.

† Payne *v.* Garrick, 1 Marshall, 468.

an extra-parochial place is in the parish which surrounds it, or that a detached portion of a county, hundred, &c. is in another county or hundred, which may surround it, but this is a license of speech for convenience, which is absolutely inadmissible in conveyances, deeds, and formal legal instruments, whose very object is to define and certify, and not merely to record, but to reduce to the utmost certainty the acts and intentions of men.

And how does this observation apply in the present case? who are the parties to these painfully formal instruments? a peer of the realm and his family on the one part, and members of one of the most eminent colleges for the study and practice of the law on the other. Is any laxity of action or expression likely between such parties? Look at the cumbrous technicality of their proceedings. 1, A conveyance by Lord Grey, the only person entitled. 2, A release of any claim which his next brother as his heir, might by any possibility be entitled to. 3, Another release from the three brothers, of any possible contingency which might be

dreamt of in favour of either of them. 4, One fiction of law in the shape of a recovery, used to cut off any entail which might be known or unknown to the parties. 5, Another fiction of law employed, and which was perhaps necessary in a fine, to bar the dower of Lady Grey; and yet we are to presume, on the part of the society, that the very extraordinary and valuable right of extra-parochiality was not mentioned, because it was needless to do so; and that although the estate is repeated over and over again, *usque ad nauseam*, as in the parish, it was nevertheless no part thereof.

It is, moreover, most irrational to view the documents hereinbefore alluded to, before the time of Henry the Seventh, which do not mention the parish, as contradictory or opposed to those which follow and do. The fact is, they agree, as far as agreement is consistent, with other circumstances. If all the early records had mentioned the parish, they would have been anomalous and *sui generis*, for few others of corresponding times and corresponding circumstances ever do so. Had, however, the

estate been extra-parochial, and been the subject of escheat or of conveyance, one cannot doubt that the jury, whose duty it would have been to have done so, would have noticed the fact. The whole series of these documents are therefore as consistent as they can be. In the non-mention of extra-parochiality they are perfectly consistent, and in the mention of the parish, they are as much so as any series of documents which can be found, applicable to any estate whose parochiality never was questioned.

And for what purpose is this overwhelming evidence, which our ancestors, unbiassed and undesignedly, have left us in these records, to be set at nought and trifled with? To defend a custom, infinitely "more honoured in the "breach than in the observance;" to support the pretended exemption of an opulent, powerful, and learned society from burthens of charity incident to all grades, to their superiors as well as to their equals and inferiors, and to perpetuate a personal difference totally subversive of that honourable distinction which such a society would naturally emulate, and

which the rest of mankind would otherwise as naturally acknowledge.

It is by evidence of the description of the documents above quoted, that every ancient landholder in the kingdom possesses his estate; we should be as well warranted in doubting whether the learned society in question had any legal title whatever to this property, which they would of course defend by the production of these documents, as we should be in doubting after the production of such evidence, whether such property were *part and parcel* of the parish.

About eight years after this estate had been so purchased by Hugh Denys, and the other gentlemen of the society, a transaction took place with reference to it, the cause of which is not now apparent; whether the society thought that if the fee in their estate were vested in mortmain in an ecclesiastical corporation, they holding merely as lessees, or whether the arbitrary Henry VIII. had any sinister views on the property as not belonging to a body corporate, or how otherwise, cannot perhaps now be ascertained, unless

possibly by the registers and memorials of the society, which are sealed books to all the world but themselves. It seems, however, that about the year 1516, they passed some interest in their estate to the priory of Shene.

No person was able, during the existence of the religious houses, to convey any property in mortmain to them, without the licence of the Crown, and before such licence could be obtained, it was usual for the king to issue his writ to inquire by a jury, whether he or any one would be prejudiced by such a transaction; accordingly such a writ was issued on this occasion by which the king commands inquiry to be made whether any one would be prejudiced if he were to give licence to Thomas Pigott, Sergeant at law, and others (evidently the trustees for the Society of Gray's Inn,) to alienate to Shene monastery, "the manor of Portpole, with the appurte-"nances, and four messuages, four gardens, "one toft, and eight acres of land, and "10*s.* rent, with the appurtenances, *in* "*the parish of St. Andrew the Apostle in Hol-*

"*born*, without the Bars of the Old Temple, "and the advowson of the chantry to the "same manor belonging, &c."*

The jury upon this find that no one would be prejudiced by such licence, *repeating the description of the property as in the parish of St. Andrew*, and they go on moreover to find upon their oath—not that the estate was extra-parochial, but other incidents of minor importance belonging to it, as that it was worth per annum clear £6. 13*s*. 4*d*., and that it was an escheat to the Crown, because Robert Chigwell before mentioned, as the mesne lord between the Dean and Chapter of St. Paul's, and the Lords Grey, died without heir, and that it is holden by the service of fealty, and the rent of one red rose.†

The king then proceeded to grant his licence under the great seal of England, to the gentlemen before mentioned, to alienate the manor as described in the writ and inquisition *in the parish of St. Andrew Holborn, &c.*‡

* Escaet. 8 Hen. VIII.

† Inquisition on the above writ, Escaet. 8 Hen. VIII. 112.

‡ Rot. Pat. 7 Hen. VIII. to the Prior, &c. of Shene.

In these instances therefore, after the society had purchased the estate, we have the king by two solemn acts describing this property in the parish of St. Andrew, and we have moreover a jury on their oath, whose especial duty, be it ever remembered, it was to have found, and returned the fact of extra-parochiality had it existed, also describing it in the parish.

How have the Kings in former times described other property belonging to one parish, but locally situated within the ambit of another? We have before adverted to the conventual church and parish of St. James, Clerkenwell. This monastery from the time of its foundation, before legal memory, seems to have possessed a farm at Muswell Hill, where formerly was a chapel, and in consequence of the unity of possession by this convent of the parish in Clerkenwell, and of this farm, which they seem to have cultivated in demesne, the farm grange or manor of Muswell Hill, which is surrounded by the parish of Hornsey, has ever been a part of the parish of St. James, Clerkenwell—it

has never been conveyed or described as in the parish of Hornsey, but always as in that of St. James, Clerkenwell, and after the dissolution, when King Henry VIII. granted the Muswell Hill farm, he described it as in St. James's parish,* and not as in that of Hornsey.

It is by no means certain from the public records what interest Shene Monastery acquired in Gray's Inn under the licence. Dugdale says, that "this Manor of Portpole, "otherwise Gray's Inn, being by the said "prior and monks accordingly possessed, was "demised by them to the students of the law, "for the rent of £6. 13*s.* 4*d.* as appeareth by "the accounts of the stewards of this house, "and so was held till the general dissolution "of the greater monasteries in the parliament "of 30 Henry VIII. But then coming to "the Crown, was granted unto them soon "after by the said king in fee farm, as it

* Pat. 37 Hen. VIII. p. 8; Pat. 19 Eliz. p. 3; Pat. 33 Eliz. p. 1; and 7 James, p. 39. See also the several detached parts of counties surrounded by another county in the Doomsday Survey, all of which are returned in the county to which they respectively belong.

"seems; for by the account of the treasurer "of this society, made 18th November, 32 "Henry VIII., it is evident that the said "rent of £6. 13*s*. 4*d*. was paid to the king's "use for the same for one whole year, and so "hath been ever since, as may appear by "the accounts of the said house."* Dugdale, when he wrote this, had evidently access to the records belonging to the society, but notwithstanding this, and notwithstanding the very great and deserved estimation in which the memory of that most learned and laborious antiquary is universally holden, I have no doubt he was misled on this point; for it appears by the general ecclesiastical survey taken by order of King Henry VIII.; shortly before the reformation, that all the interest Shene Monastery then possessed in Gray's Inn, was a yearly pension of £6. 13*s*. 4*d*.,† issuing thereout, which pension continued to be paid to the Crown after the dissolution of Shene, till the time of Charles II., who granted it with a vast num-

* Origines Juridiciales, p. 272.

† Eccl. Valor. Hen. VIII. Shene Monastery.

ber of fee farm, and other small rents, to Lord Hawley and others in trust for sale;* and in 1697, they sold it to Sir Philip Matthews.†

There is therefore every reason to conclude that the society made no greater grant to Shene Monastery than this yearly rent of £6. 13*s.* 4*d.*, which they had been accustomed for several ages to pay to the lords of the soil, before they purchased the estate in fee, and that they have continued as a non-incorporated society from the 22nd of Henry VII., to the present day, to convey their estate from time to time to new trustees, as the deaths of old trustees might render it necessary. These deeds being all of a private nature cannot be seen without the permission of the society, and that they do continue the parochial description of the property, and are silent on the subject of extra-parochiality till quite modern time, may be sufficiently inferred from the difficulty evinced by the society in producing them.

In the 35th of Queen Elizabeth, a suit was

* Pat. Car. II. to Lord Hawley and others.

† Rot. Claus. 1671.

instituted in the Court of Chancery, by one Arthur Needham against Thomas Fryer, touching a set of chambers in Staple Inn, belonging to Gray's Inn; and the bill states that the Society of Gray's Inn, *in the parish of St. Andrew, Holborn*, in the county of Middlesex, had granted a lease of the chambers in question.* The object of the suit is quite immaterial to the present purpose; but the parochial description of the inn in the time of Queen Elizabeth, shews the reputation of the fact, and is taken, doubtless, from the lease itself, made by this Society, the counterpart of which is, in all probability, still in their possession.

There is another parochial description of this property, which deserves attention, not only from the general accuracy which is presumed to have attended the transaction with which it is connected, but also for this—that, as it bears date long subsequently to the documents before-mentioned, and after the onerous consequences of the statute of the 43d Elizabeth, and of the poor-laws gene-

* Chancery Proceedings, 1592.

rally, began to be felt, the question of parochiality was increasing in importance in proportion to the increasing burthen of the poor.

During the Commonwealth, as is notorious, many estates belonging to the royalists were seized and sold by the parliament, and one of these sufferers appears to have been Thomas Cooke or Coke, Esq., who held a set of chambers in Gray's Inn, which the parliamentary commissioners, in their conveyance to the purchaser, describe as "situate and being "in Gray's Inn, *in the parish of St. Andrew, "Holborn, in the county of Middlesex.*"*

In the year 1639, Anthony Hawkridge, a Lincolnshire gentleman, committed suicide in Gray's Inn; and as christian burial could not at that time, under such circumstances, even though insanity were evident, be allowed without an authority from the bishop, such authority was accordingly obtained, and was directed to the minister, churchwardens, and parishioners of *St. Andrew's parish*, and *describing the deceased as a parishioner.*†

* Rot. Claus. 1654, p. 21. † Bishop's Registers, A.D. 1639.

In short, it is perhaps impossible to find, not a mere reference, but any description of this estate after the beginning of Henry VII.'s reign, till long after the establishment of the poor-laws, which does not call it in the parish; and it may be affirmed, as strongly as any negative can be, that no ancient description of it as an extra-parochial place exists.

That the inns of court of Gray's Inn and Lincoln's Inn, had each a chapel in the parish church of St. Andrew, and that the minor inns had, in the Catholic times, each an altar there, and afterwards seats, appears by the extracts from the register made by Mr. Bentley hereafter inserted, some of which may be anticipated here—"14th of Eliza-"beth. Note, that one Mr. Copston of Gray's "Inn being slain at Fleet Bridge, on Lud-"gate Hill, was this year buried in Gray's Inn "chapel, at whose burial and sermon there "was assembled so many people as I never "saw the like in this church to my remem-"brance."

"25th Elizabeth. Memorandum — The

" first five pews standing in Gray's Inn Chapel " were made by More, joiner, above bars, at " the parish charges, in Mr. Rich's time, and " cost £5. 15*s*, 1*d*."

" 2 Edward VI. Memorandum—The said " churchwardens took 7*s*. to the church for " the tomb this year set up in Gray's Inn " Chapel in the wall."

Almost every page of the parish registers where addresses are stated, contain some reference to Gray's Inn, particularly the registers of burials and marriages. It would be a waste of time to insert them here; true it is that Gray's Inn is said to be in the parish in a very few instances only in these registers, but it must be remembered, that whenever any notorious part of the parish is mentioned, the addition of its parochiality is never expressed; thus funerals from Holborn, from Middle Row, from Gray's Inn Lane, Field Lane, &c. &c., as well as from Gray's Inn, are almost countless without any parochial addition. But Gray's Inn is never, in the many hundred times it is mentioned in the registers from the reign of Queen Elizabeth inclusive,

said to be an extra-parochial place, except in a few modern instances improperly inserted *pendente lite.*

But the burial registers contain many instances of registrations of the death of gentlemen in Gray's Inn, whose bodies, it is added, were taken away into the country to be buried. It was formerly a right I believe universal in the city of London, if not throughout the kingdom, that the parson of the parish was entitled to a mortuary fee, even though the body of his parishioner were buried elsewhere; and one can hardly imagine a stronger exercise of a parochial right than that of the rector of St. Andrew's taking a burial fee and registering the death of gentlemen of Gray's Inn as his parishioners, though they were interred elsewhere.*

It is not necessary to go further into detail on the subject of the parochiality of Gray's Inn, as it appears by ancient documentary evidence, and it will be remembered that it is to the ancient history of the parish this

* See before, page 66.

sketch is principally limited; but there are a few facts of more modern date connected with the subject, to which we will now, with the patience of the reader, refer.

In the more simple state of society, soon after the introduction of ecclesiastical government, and on the final establishment of parishes, parochial perambulations were introduced as more efficacious for their object than any written memorials; and thus parish boundaries generally, instead of being the subject of legislative enactment, were governed by the lex non scripta of men's memories, refreshed from generation to generation by periodical ambits. Perambulations have, therefore, been said to be the best evidence of parochiality, that is, perhaps, so far as the external boundary line of a parish may be concerned with reference to adjoining parishes; but as perambulations *generally* pursue only the extreme circle of the parish, they may certainly, in a great degree, leave untouched any question relating to a spot within the ambit of a parish, said to be extra-parochial,

or, in other words, to be within the parish, but not part thereof.

This position is precisely that insisted upon for all the supposed extra-parochial estates within this parish, whose owners insist that the perambulations of the parish have no reference to this question; they admit their estates to be in the parish, but deny that they are parochial. The facts, however, attending the perambulations of this parish, with regard to Gray's Inn, and Lincoln's Inn (and it is to the former to which our attention may be at present confined), as far back as living memory can carry these facts, and as far back also as some memorials in writing, anterior to living memory go, are peculiar, and have been supposed to be much more so than they really are.

Gray's Inn is not near the boundary line of the parish, but it appears that the perambulators were always in the habit, till they were prevented by the society, of deviating from the south-western part of the boundary, and crossing from Lincoln's Inn, directly into Gray's Inn, where the boys were taken to a

parish mark, or stone, in the north-east corner of Holborn Court, or South Square, against the Steward's Office, and after beating their wands against the stone, they were then conducted to another parish stone in the walls of the hall, which they in like manner beat with their wands; after which, it seems, the boys were gratuitously refreshed by the society, with beer and buns, and were then conducted back to the external line of the parish, which they had before quitted.

It has been said that the beating these parish stones (which were, for the purpose of that argument, improperly called boundary stones) was evidence that part, at least, of Gray's Inn was extra-parochial; and this refined hypothesis was built on the presumption that parish marks never occur except at the external or boundary lines of parishes; but this is perfectly erroneous, as is sufficiently evinced in the adjoining parish to St. Andrew's, namely, St. Dunstan's, where parish marks occur in old walls, not merely in the

bounds of the Liberties of that parish, but also in various other places.

The fire of London in 1666 has probably destroyed many of similar instances, inasmuch as in that part only of St. Dunstan's parish, which was not touched by this tremendous fire, several are to be found, and there is every reason to suppose that perhaps all the mansion-houses in this great city had a parochial mark upon them, as well as the crest or other insignia of their dignified owners; a remnant of which practice still exists in the armorial bearings of the several London companies, to be observed in front of their respective houses. Thus one of the strongest facts to negative the supposed extra-parochiality of Gray's Inn has been perverted, or has been attempted to be perverted, to a contrary tendency.

The next fact, or rather set of facts, that may be adverted to, refers to the position asserted by the society of Gray's Inn, that they have uniformly, and at all times, supported their own poor; and have, therefore, never been burthensome to the parish in this

respect. Extracts from the parish books may not be admissible evidence for the parish, according to the technichalities of the courts of law; but no one will perhaps be the less disposed therefore to believe such books, when there are no apparent circumstances to vitiate their moral credibility.

The sessions-book, or books, in which minutes of the affairs of the poor of this parish, before these affairs were regulated by local acts of Parliament, exist from 1731, for a very few years, and from these the following extracts have been taken.

"At a special session held at the work-
"house, &c., 16th Nov. 1749:—

"Admitted, Graysinn, James, a dropt child,
"in Graysinn, aged six weeks.

"29th March, 1753, admitted a male child,
"aged about a fortnight, dropt in Grays-
"inn.

"8th November, 1734, admitted Parr Fran-
"ces, aged 30 years, till further examined.
"She gained a settlement with Mr. Rolph, in
"Warwick Court, within Graysinn.

"26th March, 1736, admitted Graysinn

"John, an infant child, just been dropt in "the staircase, No. 9, in Holborn Court, "Graysinn, on the 24th of this instant "month of March.

"Admitted a female child dropt in Hol- "born Court, Graysinn, about 10 o'clock "last night, aged about three months, in- "tended to be baptized Sarah Graysing.

"Admitted a male child, aged near 2 years, "taken from a poor woman, an idiot, wan- "dering in Graysinn, *by the Justices' order.*

"Ordered that the male child, which the "woman was apprehended with, begging in "Graysinn, on Wednesday the 27th of Janu- "ary last, be advertized in the 'Daily Ad- "vertiser' for Tuesday next."

That the Society have maintained their own poor, and have not been so indiscreet as to permit any repetition of instances like the above for many years back, cannot be doubted.

A third fact which might be mentioned here is, that, in 1774, the Society of Gray's Inn petitioned for an Act of Parliament, "For declaring the Society of Gray's Inn,

" and their Lands and Tenements within the " bounds and limits thereof, in the County of " Middlesex, not to be liable to parochial " duties or burthens." They did not venture by their petition for such act to make any other than a personal claim, or to assert any right in their estate, without reference to themselves as a privileged body to extra-parochiality—the petition being entirely on the ground of privilege. On which occasion, Mr. Adam, their steward of the Inn, being examined on oath before the Committee of the House, admitted that Gray's Inn is in the parish, and admitted the fact of the perambulations as above stated for all his time.

The House divided on this bill, and threw it out.

The last facts to which we shall advert are these connected with a former trial, or rather, I should say, supposed trial of the question of liability of this Inn to poor-rates, which took place in the year 1774.

It appears that two actions of trespass were brought by the Society against the parish-officers, Mr. Collingwood and Mr. Lowe, re-

spectively, for distresses taken in the Inn for poor-rates; one of which was brought on for trial before Lord Mansfield. A verdict was found for the Society, and it is on this verdict that the Society now mainly rest, asserting that the question has been fully canvassed and decided upon by a jury, which decision ought therefore to be binding and conclusive. Now if the whole of this statement were true, if the question had been thoroughly investigated, and the whole evidence bearing upon it impartially submitted to a jury, the result would, and ought to have its full weight against the parish; but on turning to these inadmissible parish-books, the whole facts appear by the following entries:—

"At a meeting on 23d February, 1774, "Mr. Lewis reported, that this day the cause "with Gray's Inn was tried before Lord "Mansfield, *and that Serjeant Davy, the leader,* "*only examined one witness, Lord Mansfield* "*then stopping him, and declaring the usage to* "*be sufficient to exempt the Society.* But that "the House of Commons had this day thrown "out the bill of Gray's Inn, and that the Lin-

" coln's Inn bill was to be read a second time " on Wednesday next."

The principle of the law is, that no one can prescribe against an Act of Parliament. The cases before stated have on this principle made various properties liable to the impositions of the 43d of Elizabeth, and continue to do so at the present day. But Lord Mansfield seems to have thought, in this instance, that the Society of Gray's Inn were not to be governed by the rules and principles of the law which applied to all other persons and properties, and therefore, without reference to any question of parochiality or non-parochiality, to any question of liability of chambers, or to any question of personal privilege or otherwise, he laid it down abstractedly, that the usage, right or wrong, legal or illegal, was conclusive, and therefore he directed a verdict for the Society.

With respect to the second cause above referred to, there is the following entry in the parish-books:—

" 27th April, 1774. Ordered, that the " cause between Mr. John Dowson and Mr.

" Ralph Lowe, respecting the poor rates, be " tried the Sittings after this present Easter " Term, and that notice of trial be given by " the clerk accordingly.

" Resolved, *That a bill of exceptions be pre-* " *pared ready to be delivered in case the evi-* " *dence offered by the Defendant should be re-* " *jected.*"

It appears, however, that the parochial funds were insufficient to enable the authorities to prosecute the claim further at that time, and the second action was never tried.

We shall beg, in conclusion of this part of the subject, to recapitulate the points which the preceding tedious statement, with respect to Gray's Inn, establishes, viz.: That the owners of this estate have always described it, when such descriptions were used, as in the parish.—That jurors on inquisitions have never returned it as extra-parochial, which they were bound to do had the fact been so.—That they also have always described it in the parish without any reservation as to its not being part of the parish.—That the description of it as in the

parish in a fine or recovery would have been erroneous had it not belonged to the parish.—That the king, as well as the owners of the estate, and all third persons who have spoken of it in ancient times, describe it parochially without any qualification.—That the society had a chapel in the parish church.—That they participated in all jura sacramentalia and jura parochialia as parishioners.—That there is no ancient mention of their non-parochiality in the parish registers or elsewhere, in any document, public or private.—That the ancient history of the estate affords no reasonable presumption in favour of extra-parochiality, it never having been crown land, royal forest or demesne, or the site of a religious house.—That if Gray's Inn were extra-parochial, as having been held of the church of St. Paul's, the whole upper liberty must be so also, as all was holden by the same tenure.—That there is no pretence any where for extra-parochiality jure ecclesiæ, except in cases of the demesnes of the church, as the precincts round cathedrals.—That the case was not submitted to a jury in 1774, but

was improperly determined by Lord Mansfield, under a misapprehension of the law:—and lastly, That the only possible ground on which to build the hypothesis of extra-parochiality is the fact that the estate has never since the 43d of Elizabeth contributed to the poor-rates.

Before we finally take leave of the subject, let us see what the principal grounds are on which the society rest their claim of extra-parochiality.

The first and last of these, the only one in fact deserving the least real consideration, is that just alluded to of uniform non-payment of poor rates. This may be considered simply and abstractedly as a fact, and also in a legal point of view. As a fact, it must have had some substantial origin, and extra-parochiality would be a rational foundation for it, *ceteris paribus*. But can extra-parochiality have been the only ground for this exception? Certainly not; for it is clear that many places and persons did not contribute to the poor-rates for a century or two after their establishment, and different spe-

cies of property are still from time to time made liable to this burthen, which have hitherto avoided it. In the present case, the voluntary alms and charity of this society were doubtless for many years after the establishment of poor-rates equal, if not much superior, to the quota they would otherwise have paid. Now, indeed, that this burthen has become most intolerably heavy, the result is very different. The very weight, moreover, of the poor-rates has, in no small degree, changed the habits of society with regard to the charity of almsgiving. Voluntary alms has become a virtue perhaps of less importance both to the giver and the receiver, now that it is practised so extensively upon compulsion; nor was it till that gradual change was effected that the matter in question became of any consequence. The Gray's Inn registers, as quoted by Dugdale, in his "Origines Juridiciales," shew that in and after the reign of Elizabeth the society were in the habit of distributing largely to the poor, in the manner no doubt of the ancient religious houses, whose dissolution in fact necessitated

the poor-laws; the matter, therefore, was of no value to the parish, for the society did more perhaps voluntarily than the parish could have compelled them to do.

It appears by acts of parliament and proceedings in the Star Chamber, as before stated,* that the several mansion-houses of the nobility and great men in London were not considered as liable to tithes, and decrees of that court were made to reverse this practice, the only ground for which was the dignified character of the owners. Now if they were exempt from tithes, they were at least, as much as Gray's Inn is, extra-parochial, that is, they enjoyed all the benefits of parochiality, but avoided their concomitant burthens. The same was also doubtless the case with the religious houses before the dissolution; and Gray's Inn, be it remembered, has a great analogy to these, though as a non-incorporated society it may have no actual affinity with them. The rank, therefore, which this society individually held, the reputation

* See page 32.

which it collectively enjoyed, had considerable influence, no doubt, in deterring the parish from prosecuting their claims long after the non-payment of rates had assumed a beneficial character to the society, and a consequent equal injury to the parish.

Nor let it be supposed that this claim is new and unheard of, is the result of any newly discovered light, of the march of intellect, or the march of radicalism; the poor-books of St. Andrews, as far back as they exist, shew that the parishioners have for many years felt that they ought not in morals or in law to submit to this unjust exemption.

But what has been the result of their former efforts against this learned and powful society? After all the difficulty and expense of submitting the question to investigation, they appear to have been stopped *in limine* by the judge, who, interposing between them and the jury, insisted, that although all other persons may not be able to prescribe against an act of parliament—although crown lands in the hands of a sub-

ject, church lands, hospital properties, mines, &c. &c., which have not paid poor-rates for nearly two hundred years, may have been compelled in modern times to do so, HE would not permit the usage to be disturbed to the prejudice of this society.

What has been the result of their more modern efforts against these influential bodies? In 1824, after a full investigation of the Lincoln's Inn case, a verdict was found for the parish. This verdict the Court set aside, on the ground that the Inn might be a distinct parish, which ground was almost abandoned on the second trial, and a second verdict was found for the parish. This the Court set aside, because the Mayor of London had exercised his office by taking an inquisition on the death of an owner of this estate, which estate at that time, in common with several others, was then within the City liberties, and was described in the fine levied on the Society's purchase of it, as both in the city and in the county, with reference to the alteration which had taken place on that subject; and thus a third trial took place, and a third verdict was found for the parish, which

the Society threatened to disturb, on the ground that it did not appear to which of the three divisions of the parish the inn, if parochial, belonged, unless the parish would consent to an act of parliament to modify the extent of their hard-earned success. These are now matters of history, and are mentioned with no other feeling than would accompany the recital of events which took place a century ago. Gray's Inn, it is true, obtained a verdict against the parish on this most vexatious question; and an application was made on the part of the parish for a second trial, on the grounds hereafter stated, which application was refused. Thavie's Inn did so likewise, and the same result followed.

That extra-parochiality is not a necessary result in law from non-payment of poor-rates may require but a very few words. This is not insisted on now by the learned Society, on the principle that there can be no prescription against an act of parliament, although their former verdict was obtained on the principle that they might do so; the real question, therefore, between the society

and the parish, if any, is one rather of morals than of law or fact. On the one hand the society has assumed a right to itself, in spite of its better knowledge and judgment, or it has been excessively remiss in not taking care that this right was matter of specific conveyance when it purchased the estate. On the other hand, the parish by non-claim may, in morals at least, and without explanation, have lost their right; but be it remembered that such non-claim arose in a great measure in early times, after the 43d of Elizabeth, from the claim itself being needless. It can, therefore, in fairness only be referred to the period when the claim became important, from which time to the present they appear to have insisted on it, against a combination of circumstances, and at a frightful risk of expense.

A few words on the chapel of Gray's Inn. It has been most gratuitously assumed that this chapel was an ancient endowment, in the nature of a parochial chapelry, from time of memory, an assumption which has not merely nothing to support it, but which is contradicted by every legitimate inference to

be drawn from the authenticated history of the chapel.

It has been already shewn that John de Grey alienated most of his demesnes in his Manor of Portpool not being in his actual possession, to St. Bartholomew's Priory, as an endowment for a chantry priest to sing mass for his soul in the chapel of his Manor of Portpool. This, therefore, proves, say the advocates for the society, that Gray's Inn Chapel existed in 1314, for this document does not create the chapel, but recognises its existence, and therefore, as they would infer, or rather as they would attempt to make others infer, this chapel must have been then endowed—must have had *jura parochialia*—must have been a distinct ecclesiastical jurisdiction—a sort of *imperium in imperio*—a sub-parish surrounded by the parish of St. Andrew, Holborn. A naked, unsupported assertion is sufficiently answered by a mere denial, where the credit at least of the parties is equal; but when an aggregate college of the highest reputation and learning will venture to make an assertion like this, which they must know is perfectly

gratuitous and unsupported; when an event so much to be deplored as this does occur, there must be the greatest inequality in the parties at issue, and something more than mere denial becomes absolutely necessary. The extremes of every virtue approximate to vice, and modest respect is not far removed from abject cowardice, when it yields entirely to mere authority that which is opposed by every principle of reason and every ascertainable fact.

That the chapel of Gray's Inn is coeval with the creation of the manor, or at least with the actual residing of the lord upon the estate, which in all probability, however, was not till the first Reginald Grey, in the time of Edward II., is very probable, inasmuch as there is good reason to conclude that most manors on which noblemen or great men resided in early times, as well indeed as at present, had a private chapel and a private chaplain to officiate therein; but there is not the slightest reason to suppose that the chaplain of the Lords Grey ever received any spiritual emoluments from tithes, whether personal or predial; from

oblations, or any other profit as matter of right from the whole tenants of the manor of Portpool; and if his rights were confined to Gray's Inn only, that is, to the house and garden of the lord of the manor, his parish must have been singular indeed, for he could have had but one house in it; and yet this monstrous absurdity is to be believed, because the reader of Gray's Inn at the present day receives a trifle of a few shillings on occasion of any death in the Inn, which trifle is collected by the principal churchwarden and overseer, the head porter; although it is not even insinuated, that the chapel ever had the right of sepulture. But enough of this—the truth is, that Lord Grey having a private chapel, and in all probability a chaplain, whom he could not as a corporation sole endow, gave considerable property in mortmain to a corporation aggregate, on condition that they would for ever find a priest to sing mass for his soul; which priest, however, was to be the private chaplain of himself and his heirs.

It generally happened, as it did in this case, that when gifts of this description were

made to the religious houses, they compounded by a certain stipulated annual payment in money for the services required, and for which the whole estate bequeathed was doubtless originally to have been applied. This arrangement, like moduses and compositions real, and other money payments, soon, by the great decrease in the value of money, became highly beneficial to the trustees. Thus St. Bartholomew's seems to have arranged with the subsequent owners of the manor of Portpool, that they should pay 7*l.* 13*s.* 4*d.* per annum to the officiating minister in Gray's Inn chapel, instead of accounting to him, as was probably at first intended, for the whole proceeds of the thirty acres; and thus was a chantry priest endowed —an endowment which was to be incident to Lord Grey's private chaplain, or appertenant to his manor of Portpool.

On the dissolution of St. Bartholomew's Priory, when its revenues came to the crown, including the thirty acres in the manor and parish so often spoken of, King Henry the Eighth did not restore that land to the chaplain of Gray's Inn; indeed he could not,

for the chaplain was officially a person unknown to the law; but paid over annually to the society, the 7*l.* 13*s.* 4*d.* so thentofore paid the chaplain as a sum certain. This chantry foundation, therefore, though it was lost to this house as trustees by the dissolution, survived as to the 7*l.* 13*s.* 4*d.*, at least to the chaplain. It also to this extent at least survived the statute of 1st Edward the Sixth, for the dissolution of chantries, probably from this circumstance that Portpool having then long ceased to be the property of the Grey family, and the chapel having been for at least as long used by the society as a private oratory, the souls of the Lord Grey had been left to their own merits, and the chapel had assumed a shape different from a mere chantry; be this, however, as it may, the society continued to receive the stipend of 7*l.* 13*s.* 4*d.*, in Queen Elizabeth's time, from the crown, for the use of their minister in the chapel. The advowson of this chantry continued appendant to the manor so long as the latter remained in existence.*

* Decree of Court of Augmentations, 33 Hen. VIII., and confirmation thereof in the Exchequer, 4 Eliz.

There is no reason to suppose that burials ever took place in Gray's Inn chapel; marriages did before the marriage act, as they did also at the Fleet and other public markets; and there appear to have been a few instances, I believe, of baptisms. The sacrament of the Lord's Supper has been administered there occasionally, in all probability ever since the Reformation; but these rights may be performed in private houses, and by no means presuppose a parochial jurisdiction.

The principal antiquarian facts referred to by the society to account for the existing state of things with regard to this property, is, that it was a manor, a district, a vill, belonging anciently to the canons of the church of St. Paul, and therefore separate and distinct from the parish—extra-parochial, though within the ambit of the parish, — locally within, but no part of the parish. The fallacy, however, of this conclusion is apparent in this, that the manor of Portpool included all the ancient county part of the parish—true it is, that Gray's Inn was the demesne

residence of the lord of the manor, but we find the first Reginald Gray giving away no less than thirty acres of this manor, and much more of it might have been, and probably was granted out by the lord as sub-infeudations, or as enfranchisements, and thereby severed from the main body of the ancient manor, though the integrity of the district or vill, as a peculiar belonging to the chapter of St. Paul's, remained hereby undisturbed. And that all the county part of the parish once belonged to this district or vill of the chapter of St. Paul's, is apparent, from the existing fact, that all the county part of the parish is now a *peculiar* belonging to such chapter, with its own churchwarden of this parish, approved and sworn before that body. The peculiar of Portpool, with a churchwarden of the upper liberty of the parish of St. Andrew, which liberty, therefore, now constitutes the peculiar (with the alterations, perhaps, as to the city boundary line, which have taken place,) of Portpool for ecclesiastical purposes, as it did formerly the vill or manor of Portpool in secular affairs also.

The peculiars (i. e. jurisdiction, independently of the bishop for ecclesiastical purposes, the granting probate of wills, &c.) of deans and chapters, originated notoriously in the fact of such corporations being lords of the soil, as was the case here. The chapter of St. Paul possessed the manor of Portpool, which manor constituted the county part of St. Andrew's parish, and in right of such possession, and probably of some lost composition, or agreement with the bishop, they exercised the episcopal office over such manor, which thereby became a peculiar. The manor they sold ages ago—the peculiar remains in them at present, and proves that the district of Portpool was commensurate with the peculiar, and was not confined to Gray's Inn. If this district of Portpool be extra-parochial, then is the whole upper liberty extra-parochial, with the anomaly of a churchwarden for St. Andrew's parish.

Lincoln's Inn.

Lincoln's Inn, as it now stands, includes the old and new estates of the society. The

one, comprehending the present site of the new square, or south-west portion, was purchased by the society about the year 1690, and is part of what was thentofore, called Fichett's Field, nearly the whole of which part is situated in the parishes of St. Dunstan, St. Clement, and St. Giles.

The other, or old estate of the society, includes also two separate portions,—that which was an escheat to Henry the Third on the forfeiture of John Herlyzun, and was granted by that king to the bishoprick of Chichester, comprehending the south-east portion of the present estate, and situate in the Rolls liberty of the parish of St. Dunstan—and that which is first found in possession of the Black or Preaching Friar, who sold it to Henry de Lacy, Earl of Lincoln, in 1285; by whose family it appears afterwards to have been alienated to the Bishop of Chichester, then possessor of the other portion, and from which bishoprick the whole passed to the honourable society. This comprehends all the north part of the estate, and is situated in the parish of St. Andrew, and it is to this part that the fol-

lowing facts and observations more particularly apply.

The Black Friars, we are told, did not come into England till the year 1221, in which, or soon after, a prior and twelve monks of that order had a house on the west side of New Street, now called Chancery Lane, near the north end, including probably all that part of the inn which is in the parish of St. Andrew; and it is in right of the quondam possession for a short period of this portion only of the estate by these ecclesiastics, that the society have so strenuously contended that that part of their property which they admit to be within the boundary line of this parish is nevertheless extra-parochial or no part of such parish.

But the society have also as pertinaciously contended, that the two other portions of their estate, viz. that which formerly belonged to the Bishop of Ely, and the part of Ficket's Field, which they bought in or about 1690, are also extra-parochial, or no parts of the parishes of St. Dunstan, St. Clement, and St. Giles, in the ambit of which parishes respectively

they stand. As to these, then, it is obvious that the Black Friars cannot assist the society; they may indeed attempt to take shelter under the wings of the Bishop of Chichester, as to the episcopal portion of the inn. They may insist that one part of their property is extra-parochial in right of the Black Friars, and that another part of it is so in right of the Bishop of Chichester;* but then what pretence is there for Ficket's Field? And the extra-parochiality of Ficket's Field, when it came into the possession of the society, was as strongly contended for as the rest, till the verdict of juries, in spite of all opposition, negatived such idle pretensions, which, however they may have been supported by this aggregate body, no individual member of it would alone, in all probability, have ventured to maintain.

It cannot be doubted by unprejudiced, disinterested persons, that this assumed right of extra-parochiality for the whole of this estate, is a mere matter of personal pri-

* The Bishop of Chichester's palace at Chichester is liable to poor rates. Cald. 152.

vilege, and has no foundation whatever in the history of the estate for which it is claimed. The only shadow of this supposed right, as in Gray's Inn, is in the *non-payment* of rates; for *non-claim* on the part of the parish can hardly be admitted, when it is considered that the parochial books, as far back as they go, shew that the parishioners always considered themselves improperly dealt with by the society in this respect—that the other records of the parish sufficiently, but not legally, (such records not being admissible legal evidence,) establish that the inn was not merely within, but was also part of the parish—and that the parishioners had not the means, without litigation, of knowing that the society purchased the estate avowedly, and without any qualification as in the parish. Non-claim then can hardly be averred with truth, and non-payment has resulted, principally from the influence and conduct of the society itself.

It is most unpleasant to use language appearing to slight or disrespect such a body as that in question; but be it remembered

that this Society resisted contributing to parochial burthens, as to Ficket's Field, for about a century after they purchased it, on no pretence whatever, but that of personal privilege. Finding personal privilege of no avail, they then attempted to justify a much longer usurpation in right of the Black Friars, a pretence, which had it emanated elsewhere, would have met only with derision or contempt. We proceed in our endeavours to shew from history that this supposed right cannot be local, or appertenant to this estate.

If the right claimed through the Black Friars, rested on the presumption that theirs was an ancient church existing before the parish of St. Andrew, there would be some colour for the claim; but it is well known, as an historical fact, that St. Dominick, the founder of this order abroad, died in 1221, or 1223; and that, in 1221, twelve monks of the order came into England under Gilbert de Fraxineto, their prior, in company with Peter de la Roche, Bishop of Winchester; and that they came from Canterbury to London, and had their house

without the wall of the city, by Oldbourne, near unto the old Temple, the place in question; all which was after the period of legal memory, and the creation of this parish. Shortly after which they removed from their residence in Chancery Lane, to the spot since known as the precinct of the Black Friars, between Fleet Street, and the Thames, so that their residence in Chancery Lane, on the spot in question, does not seem to have continued longer than about fifty-five years.*

In 1285 they sold to Lacy, Lord Lincoln, their first habitation, as follows: "Know all "men present and to come, that we, brother "William de Hothum, prior provincial of "the friars-preachers in England, and bro-"ther Nicholas, prior of the friars of the "same order, dwelling in the city of London, "and the convent of the same place, of our "common assent have demised and granted, "and by this present deed have confirmed "to the noble Lord, Henry de Lascy, Earl of "Lincoln, all our place, and all our houses

* Stow's Survey, p. 487. Newcourt, Rep. I. p. 180, and the authorities there quoted.——Tanner p. 313.

"and our habitation nigh Holborn, where we "before used to inhabit and reside, with all "our places there adjoining, and all their "appurtenances; to have and to hold to the "said Lord Henry, his heirs and assigns, "freely, quietly, and peaceably for ever. "Doing therefore the secular service, due and "accustomed to the lords of the fee, &c. In "witness, &c. the 3rd day of March, in the "14th year of King Edward."*

It is observable that in this deed the estate is not called a manor, although it appears to be described as such in the subsequent records, to which we shall have occasion to refer.

Had the object of this volume been entirely historical, it would have been necessary to have investigated the history of the manor of Holborn more closely than has been done, but under present circumstances we may dismiss the consideration of the manor in a few words.

Lord Lincoln, before the year 1289, when the erecting by subinfeudation of new manors was legal, purchased, as we have seen,

* Rot. chart, 15 Ed. I., 6.

of the friars, "All our place and all our "houses and our habitation nigh Holborn, "where we before used to inhabit and reside, "with all our places there adjoining, and all "their appurtenances."* Although not so expressed, this conveyance might have included a manor of considerable extent, or the estate might, agreeably to the custom of the times, as I apprehend, have been so called in subsequent records, from the mere fact of its being the residence of a nobleman, *a manendo*, without any reference to the usual conditions of a manor of demesnes and services; but the former conjecture seems much the more probable, especially when we find the manor of Holborn repeatedly conveyed in subsequent times distinctly from Lincoln's Inn, and existing, as I believe, at the present day.†

* Rot. Chart. 15 Ed. 1. 6. By inspeximus.

† Escaet. 21 Ric. 2. John Le Strange, Holborn Manor.—Fine Trin. 23 Eliz., Thomas Heaton and another, and Henry, Earl of Derby, of the Manor of Holborn.—Fine Trin. 44 Eliz., Thomas Sackville, Knight, Lord Buckhurst, and Sir Thomas Egerton, Knight.—Escaet. 8 Ja., Thomas, Earl of Dorset, Manor of Holborn, &c.—Thorpe and others, against Lord Derby, Lord of the Manor of Holborn, Ch. Proceedings, vol. II. p. 43.

Lord Lincoln, it is true, might have become possessed of the manor independently of his purchase of the house of the Black Friars; but as that house subsequently escheated to the crown, and was afterwards granted to that nobleman's daughter, by the description of the *manor* of Holborn, it seems that at the time of these transactions, the house was the demesne and residence of the lord of the manor.

The family of the Lord Strange, Lord Lincoln's son-in-law, continued, as we shall see presently, in possession of the Friars' House, or Lincoln's Inn, for no very long time; but the manor passed by limitations and descent to Joan, daughter and heiress of Lord Strange, who having married George, son of Lord Stanley, who was in consequence of this marriage summoned to parliament by the title of Baron Strange, the manor of Holborn descended to James, one of the sons of this marriage, and afterwards Earl of Derby, in the time of Henry the Seventh. The Derby family sold this manor to Thomas Sackville, Baron Buckhurst, after-

wards Earl of Dorset, and the manor is, I believe, if it now exist, in the Duke of Dorset.

I have not been able to find any ancient extent or survey of this manor among the public records, and have not thought it necessary for the purpose of this sketch to endeavour to ascertain its extent from the muniments of its supposed present possessor; but from the records cited in the margin, and from other circumstances, it seems probable that this manor was co-extensive with the ancient city, part of this parish, which therefore originally included the two manors of Holborn and Portpool.

To return to the history of the Black Friars' House, or Lincoln's Inn.

Lord Lincoln left an only daughter, married first to Thos. Earl of Lancaster, the great enemy of the Gavestons and Spencers, who lost his head for his opposition to these favourites, and afterwards to Ebulo le Strange, whose widow she died.

It appears by the parliament roll, that in consequence of the attainder of her first husband, she lost the valuable inheritance

of her father, which Edward the Second, with his usual injustice and weakness, granted to the younger De Spencer; she and her second husband therefore petitioned Edward the Third that such inheritance, including the *Manor of Holbourn*, should be restored to them.* And thereupon the king, by patent of the same year, granted to the same Ebulo le Strange and his wife, among other properties, the manor of Holbourn in the suburbs of London, with the appurtenants, with remainder, in default of issue, to the heirs of Ebulo."†

In 1335, 9th Edward the Third, this Ebulo le Strange died, seised, inter alia, of one messuage, with the appurtenants in Holeburn, in the suburbs of London, which formerly was of Henry de Lacy, Earl of Lincoln, without any service therefore to be done, worth by the year 60*s.*, leaving Sir Roger le Strange his heir.‡

By the silence of this inquisition on the subject of the manor, it seems that Ebulo le

* 4 Edward III. † Rot. Chart. 5 Ed. III.
‡ Escaet. 9 Ed. III. p. 42.

Strange, though he retained the messuage or mansion house, had alienated the manor; it appears however subsequently that such alienation was in all probability by way of settlement only, for Sir John le Strange, grandson of Ebulo, died seised in the 21st of Richard the Second, of the manor, by grant from one Ebulo le Strange, clerk, and Richard Edenevet, who seem to have been trustees for the family as to this manor, appointed by Lord Lincoln's son-in-law.*

Sir Roger le Strange died in 1382, seised of "one great tenement, with a garden and "sixteen shops to the said tenement annexed, "with the appurtenants *in the parish of* "*St. Andrew, Holborn,* in the suburbs of Lon-"don, which are extended to the value of "£7. 4*s.* by the year, beyond reprises when "they are leased, and an other tenement "with the appurtenants in which John Kers-"ler now inhabits, in the same parish, and "which is extended to £6. 5*s.* 4*d.* by the "year, beyond reprises when it is leased, and "also one other tenement with the appurte-

* Escaet. 21 Ric. II.

"nants in which William Benet now inha-
"bits in the same parish, which is extended
"to £4. 6s. 8d. by the year, beyond reprises
"when it is leased; and which tenements,
"with the garden, shops, and other the ap-
"purtenants, are held of the lord the king
"in free burgage, as the whole city of Lon-
"don; and they say that Roger le Strange
"held no more lands, tenements, or rents in
"the aforesaid city of London, neither of the
"said lord the King or of others."*

It is notorious that the boundary line of the city liberties, or in other words the suburbs of London, have varied from time to time; indeed, the probability seems to have been, that this line was at first indefinite according to the extent of the buildings round the wall of the city; and in many provincial cities and boroughs similar facts appear to have taken place. Lincoln's Inn, at least, as Lord Lincoln bought the estate of the Black Friars, appears by most of the preceding records to have been within the city liberties; the conveyance from the Friars to

* Escaet 6 Ric. II.

Lord Lincoln does not so describe it, but the grant to Ebulo le Strange and wife describes it as in the suburbs, as do also both the above mentioned inquisitions, which are taken by the Mayor of London as escheator. This circumstance, however, can give rise to no reasonable doubt on the point of identity—it cannot be questioned that the property mentioned in the grant and inquisitions is the same as Lord Lincoln bought, and the records of the society, as quoted by Dugdale, history, reputation, armorial bearings, and common sense, concur to establish that this is part of the property now called Lincoln's Inn.

In the last, therefore, of these documents, we have the oath of a jury, that the part of Lincoln's Inn then in question, was in the parish of St. Andrew; nor does the jury go on to say, that though in the parish, it is not part and parcel of it.

There is good reason to suppose, from the tenor of the last inquisition, as well as from the history of Lincoln's Inn, that this house was then under lease to the society. No fur-

ther mention is found of it in the family of the Spencers, and it occurs next as part of the possessions of the see of Chichester, having been as it should seem purchased by the bishop, and annexed to other property theretofore belonging to him and adjoining this, to which ancient episcopal part we may now refer.

Of which it may be sufficient to say here, that history informs us, that Henry the Third granted a house and land which had escheated to him, to Ralf de Nevill, the celebrated Bishop of Chichester and Chancellor of England, which afterwards became the town-residence of the succeeding bishops, and is supposed to have been situated immediately south of the Black Friars estate in the Rolls liberty of St. Dunstan's parish, and was then part of the city liberty, as appears by the grant thereof from the Crown.*

Between 1382, the date of the last mentioned inquisition, and 1459, the family of Le Strange alienated the old Black Friars

* This grant is in the Lansdown Library, I. in 1. and is printed at length in Rymer, I. p. 193.

property to their neighbour the Bishop of Chichester; and in the latter year, Reginald Peacock, then Bishop of Chichester, was deprived of his mitre for heresy, and thereupon a commission issued to inquire what property belonged to the see, on which a sequestration* was subsequently issued; and the jury on the inquisition found that the same bishop held, amongst other things, the inn and garden in Chancellor's Lane, called Lincoln's Inn, to the said bishoprick of Chichester, belonging and appertaining to the yearly value, beyond reprises, of 20*s.*, and another tenement near the inn aforesaid, worth, by the year, beyond reprises, 13*s.* 4*d.*†

And in the general ecclesiastical survey

* The heresy maintained by Bishop Peacock, is set out in the sequestration and other proceedings, still remaining, a translated extract from which follows—"That the said Regi-" nald Peacock is an heretic, holding the most wicked heresies " and erroneous opinions of heretics, contrary to the Catholic " faith and determination of our holy mother church, to wit, " one heresy and erroneous opinion among others, that it is " not of necessity to salvation, to believe that our Lord Jesus " Christ after death descended into hell. And also an heresy " and erroneous opinion, that it is not of necessity to salvation " to believe in the Holy Spirit," &c.

† Rot. com. in Scac. Easter, 37 Hen. VI.

taken in the 26th of Henry the Eighth, it is returned that the Bishop of Chichester was possessed of a rent payable by the Society of Lincoln's Inn, London, for their inn, 13*s.* 4*d.*, and of rent of certain tenements in Chancery Lane, by the year, 53*s.* 4*d.*

The Lincoln's Inn Registers, as quoted by Dugdale,* shew that Robert Bishop of Chichester, in the reign of King Henry the Seventh, granted a lease of this house to Francis Sulyard, one of the benchers, which continued in being till the 27th of Henry the Eighth, when Bishop Sherborne made a new lease to William Sulyard, son of the same Francis, for ninety-nine years, under the rent of £6 13*s.* 4*d.* per annum. But after this lease, Richard Sampson, a succeeding bishop, did by his deed, bearing date the 1st of July, in the 28th year of King Henry the Eighth, pass the inheritance thereof to William Sulyard and Eustace his brother. There is every reason to suppose that these leases, recorded in the society's registers, describe the property parochially.

* Origines, 231.

The inheritance being thus in these two brothers, and Eustace surviving Edward, son and heir of Eustace, by his deed bearing date the 1st of November, in the 22nd of Elizabeth, in consideration of the sum of £520. conveyed to Richard Kingsmill, and the rest of the then benchers there, this house, garden, &c. in fee, by the following description: "All that messuage called Lyncoln's Inn, "situate near Chancery Lane, in the suburb of "the City of London,* and all edifices, yards, "curtilages, void places, courts, and gardens "to the same messuage, in any wise howso-"ever belonging, or appurtaining, together "with a certain way, in and by the gate, "commonly called the Field Gate, opposite "the houses belonging to the Rolls, and lead-"ing from the said common street, called "Chancery Lane, into the field called Fyckett "Field, and so directly over the same field "to the aforesaid messuage called Lyncoln's

* *In suburbio civitatis London.* This property was therefore conveyed and described so lately as in Queen Elizabeth's time as in the suburbs or liberty of the City of London, a fact which strongly identifies the property with that mentioned in the earlier records before quoted.

"Inn, to go, return, carry, and recarry, with "all manner of carts and carriages, at "all times of the year, and also all other "houses, lands, tenements, and hereditaments "whatsoever, which at any time were of Sir "W. Sulyarde, Knight, deceased, my uncle, "of Eustace Sulyard, Esquire, my father, or "of me, the said Edward, or either of us, and "used or occupied to, or with the messuage "aforesaid, or with any other of the premises, "or any part or parcel thereof, situate, lying, "or being *in the parishes of St. Dunstan in the "West, London, St. Andrew in Holborn, and "St. Giles in the Fields, or in either of the same "parishes.*"*

This deed is in possession of the Society, and was not produced by them voluntarily, but in consequence of a bill of discovery having been filed against them by the officers of the parish of St. Andrew, not calling on them to produce and shew their title deed, but to answer whether the property was not described therein as in the parish.

It will be seen by the following report of

* Feoffment in possession of the Honourable Society.

the trial that the counsel for the society contended that this parochial description did not apply to the inn, but only to the right of way, mentioned as appertenant to the inn; the best answer to which perhaps is, that the fine levied on this occasion does not mention the right of way, but only the inn, and describes it in the three parishes, and as verbal accuracy seems so necessary, we shall insert the technical description of the estate in this fine in the original Latin.

"De uno mesuagio uno gardino et sex "acris terræ cum pertinentiis *in parochiis* "*Sancti Dunstani in occidente London, Sancti* "*Andræ in Holborn, et Sancti Egidii in campo,* "in comitatu Middlesex." And the same description is then repeated but confined to the two parishes of St. Andrew's and St. Dunstan's only, in the City of London, with reference doubtless to the fact of the property having formerly been in the city liberty, though at that time it was transferred to the county.*

* So the whole manor of Holborn which is described in the earliest records as in London, is subsequently said to be in the city and in the county. De certificatione officii alienationis tangente manerium de Holborn *in London et Middlesex.* Trin. Rec. 14 Ja. I. 70. 1. Memda. in the Exchequer.

Now looking merely to the title of this property abstractedly from other concurrent circumstances, who can doubt that Lincoln's Inn was within and part of the parish of St. Andrew? that a loose *parole* description of it as in the parish, even though it were no part of it, might occur, nobody can doubt; but that such laxity of expression in writing, in the most technical descriptions we can imagine, on occasions the most important to parties, and solemn in themselves, is admissible, every lawyer and every man of common understanding must doubt; and that a society or college of so well merited a reputation, having at the time of the purchase of this property, and indeed at all times since its establishment, men of the highest intellect and information among its members, would purchase an estate with a right so peculiar and valuable as that of extra-parochiality appertenant to it, by a refined and technical description, which would immediately lead all the world to the conclusion that it had no pretence to such a right—without a word of qualification or ex-

planation which might have been so easily and so naturally inserted—is a reflection on the intellect of this learned and honourable society which it has never yet merited.

But it is said the Black Friars, between five and six hundred years ago, had possession of this property for about half a century, and therefore (strange conclusion truly!) it must be extra-parochial; and to give some colour to this gratuitous inference it is added that the site of the subsequent residence of the Black Friars in the city is, and always has been since they possessed it, an extra-parochial and privileged spot. It may be useful, therefore, to follow these ecclesiastics from their first residence in Chancery Lane to that now known as the precinct of the Black Friars.

It appears by the records of the See of Canterbury, that in the year 1276, Gregory Rokesby, mayor, and the Barons of London, granted and gave unto Robert Kilwarby, then Archbishop of Canterbury, the tower of Montfichet, near Baynard's Castle, with some land adjoining, whereon the same archbishop built the church of the Black Friars with the

stones of the same tower, which it seems had been given by William the Conqueror to the city for the repair of St. Paul's Cathedral,* and two years afterwards, viz. in 1278, King Edward the First gave the site of Baynard Castle, near the last mentioned tower, with contiguous messuages, to the same Black Friars, shortly after which they removed from Chancery Lane, then called New Street. Baynard's Castle and Montfichet's Tower were ancient royal fortifications, situated not far from the north foot of the present Blackfriars-bridge.

Edward the First and Queen Eleanor were great benefactors to these monks, and the licence from the Bishop of London for them to build their new church after the grants above mentioned, recites that the bishop and canons, at the frequent instance of the king, had granted that the brethren of the order of preachers might erect a new church, and other fit edifices in the area called Baynard's Castle, near the city of London.†

* Stow's Summary 298.

† Reg. Dec. and Cap. 1. 107. Newcourt, I. 281.

This their new site, therefore, was that of an ancient royal castle and tower, with its precincts, and if any parts of the kingdom have a right to be considered in law and fact as extra-parochial, it is pre-eminently these ancient demesne fortifications of the Crown, many of which probably existed before the parishes which surround them, and from all of which the exclusion of all authority, except the royal, was matter of necessity. Stow in his Survey speaks of the parish church of St Ann, in the precinct of the Black Friars; nevertheless the bishops' registers, and other documents seem sufficiently to prove that the church so called was a mere chapelry, and was a donative which, coming to the Crown on the dissolution of the Black Friars, was granted to Sir Thomas Cawarden,* who sold it to the inhabitants of the precinct.

There is therefore every reason to conclude that extra-parochiality was a local right in *this* property long before the Black Friars had possession of it, in addition to which Edward the First granted extensive personal rights to

* Tanner 313.

the monks, which led eventually to that controversy between them and the corporation of London in Queen Elizabeth's time, which is printed much at length in Strype Stow.* There is therefore no reasonable ground by analogy whatever, to assume any local privilege to Lincoln's Inn in consequence of any personal rights in the Black Friars.

This same order of monks had at least thirty-nine other monasteries in different parts of England, viz. Arundel, Bamburgh, Berwick, Beverley, Boston, Bristol, Canterbury, Chester, Derby, Doncaster, Dunstable, Exeter, Glocester, Guildford, Hereford, Hull, Ipswich, Lancaster, King's Langley, Leicester, Lyme, Melcomb Regis, Newcastle, Northampton, Norwich, Oxford, Pontefract, Salisbury, Scarborough, Stamford, Sudbury, Thetford, Warwick, Winburn, Winchester, Yarmouth, and York. Of all these the site of only one, namely that at Leicester, is returned in the population abstract of 1800 as extra-parochial; and this return, be it remembered, is an exparte statement, nor does it

* 1754, I. 668.

in the slightest degree refer to the origin of the extra-parochiality, whether legal or not—this spot, like the Black Friars in London, might have been extra-parochial before the friars were established there. Now if Lincoln's Inn be extra-parochial in right of the residence of these friars there for about half a century since legal memory, how is it that the site of their residences in the several cities or towns above referred to, where they dwelt between three and four centuries, are not extra-parochial also?

For several other facts illustrative of the parochiality of this estate, we refer to the reports of the trials.

A word or two on the subject of the parochial perambulations. The ground plot of the Inn will sufficiently shew the boundaries of the several parishes as they meet in this property; and we have only to observe here, that had the part of the inn in question been really extra-parochial, there was no occasion for the perambulators ever to have gone on the property. An insulated extra-parochial spot in a parish may be necessarily included

in every perambulation of the bounds of the parish in which such spot lies, but in this case it will be observed that the parish procession would have passed along the south side of Holborn and down Chancery-lane, and thus have taken in the whole of this part of the parish in their ambit, without touching Lincoln's Inn, if Lincoln's Inn had really not been parochial.

Lincoln's Inn Chapel has no endowment whatever, and appears to have been originally the private chapel of the Bishop of Chichester and not of the Black Friars, inasmuch as it is dedicated to St. Richard or Richard Wihtz, who succeeded Ralph Nevill before mentioned as Bishop of Chichester, and was canonized. It does not, however, stand on the ancient site; as it appears, by the society registers, that in the 7th of King James the First, an order was made that a fair large chapel should be built and set in a place more convenient, that then standing being grown ruinous, and not large enough for the society, which new chapel was finished and consecrated in 1623.*

* Dugdale Orig.

The registration of the deed of consecration has been lost out of the Bishop of London's office, but the original deed, it may be presumed, is in possession of the society, and in all probability describes it as in the parish of St. Andrews, and reserves the rights of that church, especially as the rector of the parish was accustomed, till the society interrupted the custom, to take possession of the desk in the chapel, and to read part of the church service there on every perambulation-day, a custom doubtless either imposed or perpetuated by the consecration deed, to keep in memory the dependence of this chapel on the parish church.

In addition to this private chapel, the society had a chapel in the parish church, as appears by the following extracts from documents in the parish chest.

"Item—The first three pews in Lincoln's "Inn Chapel were made by Balwin, carpen-"ter, at the appointment of Mr. Heryn, the "churchwarden, and cost the parish £5., "which eight pews cost in all £10. 16s. and "better, as appears by Mr. Roper's account.

"Memorandum—That this year, viz. in the "month of July, 1583, all the glass windows "in the church, especially the windows in "Lincoln's Inn Chapel, a little before new "glazed, with many fair coats and escutcheons "of arms, emblazoned at the only charge "of Mr. Steward, that married Mrs. Cam-"pion, of this parish, and late deceased, "were pitifully shaken, rent, and broken "down, as all the houses round about that "part of the parish almost were, with the "monstrous and huge blast of the gunpowder "that lately was set on fire, and blew up all "the gunpowder-house and other tenements "in Fetter Lane, to the destruction of many "houses and spoil of much goods thereabouts, "yea and to the deaths of one or two "men."*

Lincoln's Inn, as we have seen, has long insisted on extra-parochiality on the supposed right of the demesnes of the Black Friars. Ely Place continues to do so in right of the Bishop of Ely, and Gray's Inn and the Inns

* See further reference to this chapel in Bentley's Register.

of Chancery, on no apparent right whatever,* and it is singular enough that the history of other parts of this parish affords facts, precisely parallel to those on which the claim rests, in the cases of Lincoln's Inn and Ely Place, with results, however, totally opposite. This is particularly illustrated in the history of the Old Temple.

The order of Templars was instituted about the year 1118, 19 Henry I.; shortly after which some of its brethren came into England, and established themselves in a residence which was probably in the space now included between Holborn on the north, the line of the present city liberties on the east, Chancery Lane on the west, and Cursitor Street on the south; of whom they purchased or acquired this estate, is now unknown, but though they built a church and house there, it is clear they did not hold it long, for in

* Nonpayment of rates per se being no answer to the claim. Parochiality is the real question, a question which all documentary and historical evidence unequivocally decides in the affirmative, leaving the fact of nonpayment to be accounted for on other grounds, which it certainly can be, to the satisfaction of every unprejudiced mind.

1185, they acquired and built a new church and residence at the west end of Fleet Street, opposite Chancery Lane, then called New Street. On this occasion they sold their ancient site to the Bishop of Lincoln, for 100 marks, and the king confirmed such sale as follows:—"Henry, King of England, "and Duke of Normandy and Aquitaine, "and Earl of Anjou, to his Archbishops, "Bishops, &c. Know ye that I have granted, "and by this my present deed, have con-"firmed to the church of the blessed Mary "of Lincoln, and to Robert, bishop of the "same church, and his successors, bishops of "the same church, the houses which were of "the Brethren of the Temple in London,* "in the parish of St. Andrew of Holborn, "with the chapel and gardens, and all their "appurtenances which the same Robert "bought for 100 marks of the Brethren of "the Temple, rendering therefore to the same

* This deed proves that their property, like Lincoln's Inn, was then in the suburbs of the city, and indeed if Lincoln's Inn were so, it is of necessity that this estate must have been, from its situation, in the suburbs also, and hence the insertion of the parochial locality.

" Brethren of the Temple yearly 3s. (tres " aureos) for all service. Wherefore I will, " &c."

This property continued in the see of Lincoln,* as the town residence of the bishop, till Henry the Eighth's time, when it was sold to Lord Chancellor Wriotesley, afterwards Earl of Southampton. The estate has since been divided, the mansion pulled down, and the whole site covered with houses. Stow says, " Agaster Rober hath of late builded much " there, by means whereof part of the ruins " of the old Temple was seen to remain, " builded of Cane-stone, round in form, as " the new Temple by Temple Bar, and other " temples in England." The chapel used by the Lords Southampton, built in all probability on the site of that of the Bishop of Lincoln, if not the same, and on the site of the Temple Church, still remains, and is used as a warehouse, and the circular wall of the Temple Church can still be traced a little below the surface close to the chapel.

* Monast. III.

The Templars having removed and built their church where it now stands *before time of legal memory*, though the circumstance of the event has survived to us, had the same church dedicated to God and our Blessed Lady, by Heraclius, Patriarch of the church called the Holy Resurrection, in Jerusalem, when an incumbent was endowed* also; as Stow tells us, this church had a master and four stipendiary priests, with a clerk.† These, for the ministration of divine service, had their stipends allowed them out of the possessions and revenues of the late Hospital and House of St. John of Jerusalem‡ (subsequent grantees of this property). The Temple, therefore, is by no means, as I would submit, an extra-parochial place, but is a distinct parish founded before legal memory. It is not necessary for the present purpose to pursue the history of that property further.

With regard to the site of the old Temple, its circumstances are peculiarly analogous to

* The adowson is now in the crown.

† Stow's Survey, p. 441. ‡ Newcourt I.

Lincoln's Inn, and partially so to Ely Place, with this difference in law in favour of the extra-parochiality of the Temple site, that it was conventual before the period of legal memory. The Temple and Lincoln's Inn were both sites of conventual churches, and, in common with Ely Place, were the demesnes and residences of episcopal dignitaries. They have now all three long fallen into lay hands, and what has been the result with respect to payment of poor-rates considered as a test of parochiality? The site of the Old Temple never pretended to extra-parochiality, and has ever been charged with poor-rates, nor did any of the other sites ever dream of extra-parochiality till non-payment of poor rates, arising from very different circumstances, put it into their heads as the only means of defending an exemption which had improperly and illegally originated.

The site of Ely-place claimed, during the bishop's residence there, to be extra-diocesan, a mere personal privilege, and would now justify continued non-payment on the ground of the extra-parochiality of the estate, the per-

sonal right having left with the bishop. Lincoln's Inn has long enjoyed exemptions in common with ALL the law societies on mere personal pretence, and would have justified the continuation of these personal privileges on the more available legal ground of extra-parochiality, in the right of the Black Friars.

Thavey's Inn.

The most ancient mention of this property which has been hitherto found, is in the will of one John Tavye, (from whom the inn takes its name,) which will was proved in the Hustings Court of London, in the 23rd of King Edward the Third (1350). The will is to this effect:—"I, John Tavye, do make my "Will in this wise: First, I bequeath my "soul to God, &c. and my body to be buried, "&c. Also I bequeath all that tenement I "lately purchased of Master John Stock to "be sold by my executors, and that out of "the money to be received therefrom my "debts shall be paid, and that the residue "thereof shall be distributed to the poor for "the good of my soul. Also I bequeath to

" Isabel, my daughter, one shop, with the " sollar, which said shop contains towards the " highway in breadth sixteen feet, and is " situated between the tenement of the Prior " and Brethren of Saint Bartholomew in " Smithfield, and my own tenement. Also " I bequeath all my tenements, with all their " appurtenances, which I have on the south " side (of Holborn) in the parish of Saint An- " drew, except that shop which I have be- " queathed to Isabel, my daughter, as is afore- " said, to Alice, my wife, for the whole term " of her life, and that after the decease of the " aforesaid Alice, all that said inn (which) the " apprentices (at law) used to inhabit, shall be " sold by my executors, if they shall be living, " in conjunction with the executors of the " aforesaid Alice, that out of the money to be " received therefrom, one fit chaplain shall be " provided for the performing (divine service) " for my soul, and the soul of the aforesaid " Alice, and the souls of all the faithful de- " parted this life, so long as such money shall " last. Also I bequeath all that tenement " wherein I inhabit, with the three shops,

" which I lately purchased of William Pas-
" more, after the decease of the aforesaid
" Alice, my wife, for (the supporting) the
" fabric of the church of Saint Andrew in
" Holborn; and for the well and faithfully
" performing all these things, I do constitute
" as my executors, Alice, my wife, my prin-
" cipal executrix, Geoffrey Goldbeter, and
" Hugh Taillour. Dated in the parish of
" Saint Andrew in Holborn, the day and
" year abovesaid."

It will be seen by the following report of the trial of the case, Frazer v. Wood and another, that it was most unaccountably taken for granted that this will did not describe the property to be in the parish. We shall therefore insert the original Latin, " Item lego omnia tenementa mea cum om-
" nibus suis pertinentiis quæ habeo in parte
" australi* in parochia S. Andreæ, &c. Aliciæ
" uxori meæ ad terminum vitæ suæ, et quod
" post decessum prædictæ Aliciæ totum illud
" hospitium in quo apprenticii ad legem

* The words " de Holborn," are evidently omitted here by mistake.

" habitare solebant per executores meos si " superstites fuerint una cum executoribus " prædictæ Aliciæ vendatur et quod de pe- " cunia inde percepta capellanus idoneus pro " anima mea et anima prædictæ Aliciæ inve- " niatur," &c. The modern Latin of the learned professions would doubtless sometimes puzzle Cicero or Horace, if they could return to read it; but it does not seem very probable that they would translate this description of the premises bequeathed as *in the south part* OF *the parish of St. Andrew.*

We may presume that this property was sold as directed by Thavey's will. No further notice, however, of it occurs, till the year 1548, when Roger Pateshall conveyed it to Gregory Nicholas, by the description of " All " that capital or great messuage, with the ap- " purtenances, *situate, lying, and being in the* " *parish of St. Andrew, Holborn,* in the suburbs " of London, commonly called Davye's Inn." Three years afterwards, Nicholas conveyed it to Edward Griffith, Esq., and other benchers of Lincoln's Inn, in trust for that society, by the description of " All that messuage with

" the gardens adjoining, commonly called " Davye's Inn, and formerly Thavye's Inn, &c. " situate and being in Holborn, *in the parish* " *of St. Andrew,* in the ward of Farringdon " Without," &c.

It appears by Thavey's will, that this property was let to the lawyers, from at least the date of that will; and as it seems that the Temple was first peopled by the predecessors of the present honourable society, by a colony from this house, Thavey's Inn, in all probability, is the oldest college for the study of the law in London.

In the 18th of Elizabeth, 1575, the surviving feoffees in trust for the society of Lincoln's Inn, conveyed it to Sir Christopher Wray, Knt., and other new trustees, by a similar description of " One messuage, com- " monly called Davies' Inn, and formerly " called Thavey's Inn, *in the said parish of St.* " *Andrew, Holborn,*" and a fine was then levied between the same parties and by the *same parochial description.*

The society continued to hold this estate till the year 1771, when the Right Honour-

able Lord Mansfield, and others, the then feoffees in trust for the society, sold it to Thos. Middleton, Esq., by the description again of "All that messuage, commonly called Davye's "Inn, and heretofore Thavye's Inn, *in the "parish of St. Andrew, Holborn,* in the suburbs "of the city of London."

Mr. Middleton, in the following year, sold it to Arthur Jones, Esq., by the description of "All that messuage, commonly called "Davye's Inn, and heretofore called Thavye's "Inn, *in the parish of St. Andrew, Holborn.*"

It may be necessary thus far to have reiterated the description of this property as it is found in the abovementioned solemn deeds. Several other parochial descriptions might be inserted, but it may be unnecessary, for if they were ten times as numerous as they are, it would be attempted to meet them all by the sophisticated observations, that though they prove the estate to be *in* the parish, they do not prove it to be *part of* the parish. It is needless to repeat observations here that have so frequently been made in these pages before, but we must advert to the facts that

not one of these deeds contain any allusion to the estate not being part of the parish, although they use the same mode of describing its parochiality, as all other deeds universally do of estates clearly parochial; and the word "in" the parish, if no part of it, is in fact grammatically incorrect and morally false.

When the records above referred to are collated with the report of the trial of this case in 1823, it will occur obviously to every one that blame must rest somewhere, from the very loose and insufficient manner in which the case was presented to the jury. The will of Thavey was put in, but no one seemed able to read the ancient writing, and a construction was put upon the words of it, which they by no means warranted: these words, moreover, if they had been correctly stated, appear to have been the only ancient evidence on the subject, and the modern evidence went of course to negative the rating and paying. This is greatly to be lamented, because the verdict of one jury will, as it ever ought, always have great weight in the decision

of another; nor is it easy to convince a second jury by any exparte statement, that their predecessors in the same inquiry had been misled, or had been insufficiently instructed.

It does not appear that the second trial of the same question in 1826, was taken in short hand, and the only report I can furnish of it, therefore, is from the newspapers. It seems, however, that several ancient parochial descriptions of it were read in evidence, but it was most unfortunately also attempted to be proved from certain old rate-books, that the Inn had been rated to parochial taxes for several years, and that the inhabitants had, in some instances, paid such rate. I say unfortunately, because a misunderstanding arose as to the facts to be drawn from these rate-books, it being contended that although the words "Thavie's Inn" were inserted therein, the houses which followed that insertion were not in the Inn, but were, in fact, in Holborn High Street, and the whole case seems to have been, as I understand, injudiciously rested on the fact of previous rating

or not, a fact by no means of the first importance, because if it had been rated and paid, it is clear that such rating and paying had long ceased, and if it had not been rated or paid, it was in this respect in the same situation as Lincoln's Inn, which had five verdicts against it on the question of extra-parochiality, though it certainly never was rated, nor ever paid till after these verdicts.

Shortly after the sale by the Society of Lincoln's Inn to Mr. Jones, viz. about the year 1774, the present private houses now existing, appear to have been erected. The old maps of London, anterior to this date, show that the greater part of this estate was a garden, and that the buildings appropriated to chambers for the students and practitioners were limited to about one-fourth the length of the ground from north to south, and on the east side, and one still smaller opposite to it on the west side, containing in the whole not more than three or four staircases, together with another building on each side the entrance at the north end in Holborn, about the size of a single house. It appears by the parish

records, and ought to have been proved on the trials, that while the society existed, these houses were let off, and *constantly paid poor-rates, and all parochial burthens*, demonstrating that the supposed exemption was a personal privilege in the society, and not appertenant to the estate. Now it is observable, that if this Inn, when in possession of the lawyers, anterior to 1771, had been rated, and paid parochial taxes, it would have been, I believe, the only Law Society in London which did so, and would most certainly have been the only one of the many in this parish which did so; and the fact that these several societies *all* claimed the exemption in question, is almost conclusive, even abstractedly, to show that the supposed exemption was matter of privilege, was personal in the societies, and did not belong to their estates. It really appears, therefore, that if payment of parochial rates *by the society* had been proved, it would have weakened the argument on the subject in favour of the parish, for it would have destroyed that unity of character in all the Inns, which must prove to every unprejudiced mind,

that the claim in question in general was one of personal privilege, and it would have established an exception to this rule with regard to Thavie's Inn, which could perhaps be accounted for only on the presumption of some peculiarity incident to this property, and not to the person of its owners.

I believe the fact to be, that the Inn, when in the possession of the lawyers, was, like all the other Inns in the parish, not rated to the poor, except the part of it in Holborn, which was let off, which part was rated and paid; that on its coming into other hands, and being converted into private houses, it was attempted to be rated; but that the new inhabitants resting on the fact of previous non-payment—a fact, as we have before observed, which has been made to avail against an act of parliament in favour of Gray's Inn—refused to pay, nor did the parish at that time choose to try the question, from want of sufficient funds.

Staple Inn, Furnival's Inn, and Barnard's Inn.

Lincoln's Inn, as we have already seen, though now in the county of Middlesex, was

formerly in the liberties of the city of London, as the history of the estate evinces. The same is true of the site of Southampton house, or the old Temple, as well as of the property of the Bishop of Chichester, in Chancery Lane, which is in the Rolls liberty of St. Dunstan's parish, and we have now to observe the same fact with regard both to Staple Inn and Furnival's Inn, both of which, though formerly belonging to the city, are now considered to be in the county part, or upper liberty of St. Andrew's parish.* Barnard's Inn and Thavie's Inn still continue attached to the city liberties.

Various reasons exist to which a further allusion may be needless, for not going into the particulars of the histories of the several inns of Chancery so minutely as has been attempted with reference to the two inns of court in this sketch. One of these reasons, however, may be mentioned, namely, an unwillingnesss to prejudice any case which may

* An inspection of the line of the city liberties as it is marked on any of the modern maps, will shew that this line must have deviated for the purpose of excluding certain properties, or it never could have been so strangely irregular as it is.

be made in future between these societies and the parish. Past litigation is matter of history, and is open to the observations of all the world, and as such it has been treated in the previous historical observations. The subsequent statements will be almost confined to printed authorities, and in the application of these authorities to the theme of the present volume, viz. the assumed extra-parochiality of these estates.

Staple Inn.

Dugdale states that "this inn, as we have "by tradition, was heretofore called Staple "Hall, being a place where merchants for "wool had their meetings.

"By an ancient manuscript book in pos- "session of this society, written about the "time of King Henry V., containing divers "orders and constitutions relating to this "society, it should seem that this house was "an inn of Chancery then, if not before those "days, but held by lease, for the first grant "of the inheritance thereof to the ancients of "Gray's Inn, from John Knighton, and Alice "his wife, daughter of John Chapwood, was

" by indenture of bargain and sale, dated 10th " of November, 20 Henry VIII.; after which " there were other feoffments made thereof, " for upon the 4th of June, 20th of James, " Sir Francis Bacon, Knt., then Lord Verulam " and Viscount St. Albans, did enfeoff Sir " Edward Moseley, Knt., and others, the an- " cients of Gray's Inn thereof, by the name " of 'all that messuage or inn of Chancery, " commonly called Staple Inn, and of one " garden thereunto adjoining, with all and " singular their appurtenances, in times past " belonging to John Knighton, gent., and " Alice his wife, *situate in the parish of St.* " *Andrew, Holborn*, in the suburbs of London; " &c.' "

We shall add but one fact and observation; namely, that the parts of this inn which abut on the High-street of Holborn, are let off by the society, and *that all these parts of this estate, so in the hands of the tenants of the society, do and always have paid parochial burthens.* Now if the supposed exemption be claimed in right of the estate, how can this fact be accounted for? If, on the other hand,

it be claimed as the personal privilege of the society, then indeed it is perfectly intelligible.

Furnival's Inn.

Takes its name from having been the residence of the noble family of Furnival, though it appears to have been leased by them to the students of the law, so early as in the 9th of Henry IV. (1407.)

By Joan, the daughter and heir of William Lord Furnivall, in Henry IV.'s time, the inheritance of this property came to Thomas Nevill, a younger brother of Ralph, Earl of Westmoreland, and by Maud, sole daughter and heir to the same Thomas and Joan, it passed to John Talbot, Earl of Shrewsbury, who died seised of "an inn, called Furnival's "Inn, and two tenements, with the appur- "tenances, *situate in the parish of St. An- "drew, of Holborn,* in the city aforesaid." It continued in that family till Francis, Earl of Shrewsbury, Lord Talbot and Furnivall, sold it in 1 Edward VI., by the description of "a "tenement *in the parish of St. Andrew, of "Holborn,* to Edward Griffith, Esq., Solicitor-

General, and others, to the use of the society of Lincoln's Inn.

Barnard's Inn.

The earliest notice of this inn in print is in the 32d of Henry VI., 1453, when the executor of the will of John Mackworth, Dean of Lincoln, had licence to alienate it to the Dean and Chapter of Lincoln, to endow a chantry priest to sing for the soul of this John Mackworth, in St. George's Chapel, at Lincoln, where he was buried.

It appears from Stow's Annals, that this was an inn of Chancery so far back as at this time, for upon a tumult between the gentlemen of the inns of court and chancery, and the citizens of London, happening in Fleet Street, in the 32d of Henry VI., in which some mischief was done, the principals of Clifford's Inn, Furnival's Inn, and Barnard's Inn, were sent prisoners to Hertford Castle.

That part of this inn, which has been sold or leased by the Society, has, I believe, always paid all parochial burthens.

In referring thus very briefly to the above

inns of Chancery, the object has been merely to adduce one or two ancient descriptions of each of these inns, as in the parish of St. Andrew. *Prima facie*, this is sufficient positive evidence of the fact that they are in this parish, and nothing appears from the existing histories of these estates, from which it may be legitimately inferred, that they are not respectively parts of this parish. They neither of them appear to have been crown property, or to have belonged to any religious house; nor is there the slightest foundation on which to rest the presumption that they are extra-parochial, except that of nonpayment of poor rates, a fact which can only be referred to an assumed *personal* privilege or exemption, when we consider that there is no apparent *local* reason for it. The question, indeed, whether chambers are rateable, may still, in some degree, be considered open, when we recollect that it was so much discussed in the case of Moxon v. Horsnaille, with reference to one of these inns, a question which may also, and doubtlessly has, greatly influenced the usage in question.

The Ely Church Estate.

Stow, whose authority as an historian is but little short of legal proof, writes of Ely Place thus:—

"Then is the Bishop of Ely's Inn, com-
"monly called Ely Place, for that it per-
"taineth to the bishoprick of Ely. William
"de Luda, Bishop of Ely, deceased, 1297,
"gave this house, by the name of his manor,
"with the appurtenances in Holborn, to his
"successors, with condition that his next
"successor should pay 1000 marks towards
"the finding of three chaplains in the chapel
"there.

"Moreover John Hotham, Bishop of Ely,
"did give, by the name of 'six messuages,'
"two cellars, and forty acres of land, in the
"suburbs of London, in the parish of St.
"Andrew, of Holborn, to the prior and con-
"vent of Ely, as appeareth by patent of the
"9th of Edward III.

"Thomas Arundel, Bishop of Ely, beauti-
"fully built anew his palace at Ely, and
"likewise his manors, in divers places, espe-

" cially this in Holborn, which he did not " only repair, but rather new built and aug- " mented it, with a large port, gate-house or " front towards the street or highway. His " arms are yet to be discovered in the stone- " work thereof."

This paragraph is abstracted at length, because from the authority of Stow, it is likely that his statement may be taken for granted, whereas it is not altogether accurate, and Pennant, in some degree, corrects it, when he says, " John Kirkby, Bishop of Ely, who " died 1290, predecessor of Luda, abovemen- " tioned, began this work."*

* The following is a list of the bishops of Ely, from the time of Bishop Kirkby to that of Arundel, from Leland.

John de Kirkby was consecrated in	1286
William de Luda	1290
Ralph de Walpole	1297
Robert de Orford	1302
John de Ketene	1309
John de Hothum	1316
Simon de Montacute	1336
Thomas Lisle	1349
Reginald Brian	1361
Simon de Langham	1361
John de Barnet	1366
Thomas Arundel	1373

The above statement of Stow assumes, and correctly so, that the Ely property in Holborn did not come into existence as one entire estate till after legal memory.

Ely, which was an extensive monastery in the Saxon times, was originally in the diocese of Lincoln, and was not erected into a bishop's see till the year 1108; the bishop, therefore, of course is not mentioned in Doomsday, but the abbot is returned as having large possessions—he, however, had none in Middlesex.

There is no return of any possessions of the see of Ely in London or Middlesex, in Testa de Nevill, the Hundred Rolls, the Quo Warranto Rolls, or the Liber Niger in the Exchequer, so that there is no proof, and certainly no reason to suppose that the episcopal estate in question did exist as such before legal memory, or even before the time of Bishop Kirkby in 1286, when the union of it in him as sole lord seems to have been effected.

Without referring at present to the authority on which it is affirmed, it may be stated safely, that Bishop Kirkby purchased the episcopal property which he gave on his death

to the see of Ely, as being *in the parish of St. Andrew, Holborn,* in the time of Edward the First; whatever claim of extra-parochiality, therefore, may have been made for this property, cannot be founded on its never having been part of the parish, for it is first found in private hands, from which it passed to the Bishop of Ely by a parochial description. The abuttals of this property are described after it came into the possession of the bishopric of Ely, as an enclosure in the parish of St. Andrew, abutting west on Lyners Lane, (the present Leather Lane,) east on the King's Water, (now Fleet Ditch,) north on other land of Bishop Kirkby, and south on Holborn Street.

This episcopal property is quite distinct from that adjoining it, which belonged to the dean and chapter of Ely, which was given by Bishop Hothum to the canons of Ely to sing mass for his soul. The chapter property is described as certain messuages and forty acres of land, *in the parish of St. Andrew, Holborn.*

The bishop then, first, and afterwards the

chapter of Ely, came to the pre-existing parish of St. Andrew, and became possessed there of a considerable estate, which estate, in virtue of certain ancient charters to the church of Ely, became independent of the regal or of any other authority; the whole property of that church constituting a sort of palatinate, or distinct government in itself, and hence we find in the parliament rolls in the time of Edward the First, the following entry.

"Whereas certain men of the liberty of "the Bishop of Ely in these days, before "I. de Metingham and his companions, Jus- "tices, of the Lord the King, of the Bench, "are impleaded by writ of the Lord the King, "for a certain trespass, and the same justices "proceeded not allowing to the same bishop "his liberty in the same plea, to the damage "of the same bishop, the Lord the King, &c.," then goes on to command that these liberties be allowed. Whether this applies to the London property, or to any other estate of the bishop, it is clear his privileges went so far as to exclude the civil authorities from his

estate, and to constitute the same a distinct liberty, and hence, therefore, arose the Ely Liberty of St. Andrew's parish.

The bishops of Ely appear to have continued in the quiet enjoyment of this their London residence, from the time of Bishop Luda till the reign of Queen Elizabeth, whose personal favourite, Lord Hatton, commonly called the dancing Chancellor, got possession of the greater part of it. In the time of Queen Elizabeth, and of her brother, the episcopal estates suffered very considerable diminution by seizures of the crown, made in the shape of surrenders by the several bishops. The unceremonious manner in which Queen Elizabeth treated Bishop Cox, in consequence of his unwillingness to part with this estate to Lord Hatton, is a story almost trite by repetition—the legal memorials remaining of the transaction are principally, the deed of surrender from the bishop to the queen, reciting that he had leased to Lord Hatton, for twenty-one years, his, the bishop's, *gate-house, with certain of his offices, forming part of Ely Palace,* together with his garden, orchard,

and certain meadow land; that Lord Hatton had built thereupon and laid out considerable sums of money, and had besought the queen to desire the bishop to alienate the property so leased to the lessee in fee, whereupon the bishop goes on to grant or surrender the same to her majesty. In the same year a grant was made of this property from the Queen to Lord Hatton in fee, and on his death it is described as Hatton-House, with the orchard, garden, meadow, and appurtenances, *late part of Ely Palace, in the parish of St. Andrew, Holborn.* Upon this event, the modern descriptive name of the liberty of Saffron Hill, Hatton Garden and Ely Rents, was doubtless given to this division of the parish, thentofore called simply the Ely Liberty, Saffron Hill being the site of the chapter property.

Now although this church property must of necessity have been, under the authority of the grants before alluded to, a liberty of itself, there is no reason to suppose that it was ever treated as extra-parochial; on the contrary, the chapter part of the estate always paid parochial taxes, and the Hatton portion of

the bishop's palace, garden, and orchard, appear always to have paid poor and other rates to St. Andrew's parish, from the period of its severance from the see. There is, however, no reason to suppose that the bishop ever paid a rate or compulsory payment to the parish, whatever he may have done either gratuitously or by composition, so long as he continued to live there. The bishop finally, about 1774, sold the remainder of this property, and purchased another residence in Dover Street, for himself and his successors, and as his *personal privileges* have long ceased to exist, his present house there is neither a distinct liberty, nor is it extra-parochial.

But the inhabitants of the houses in Ely Place, built on the site of the Holborn Palace, seem to think it important for the interests perhaps of the episcopacy, that their houses should not be liable to poor rates, because their predecessor, the bishop, was *personally* exempt from them; and one argument, as I understand, on which they rest their exemption in right of the bishop is, that the palace of the Bishop of

Ely must have been extra-diocesan, as to the bishoprick of London, in which it is situated, and that being extra-diocesan, it must, of necessity, be extra-parochial, or in other words, that it cannot be in a parish, which parish is in a diocese, which does not include this property. The question, however, whether Ely Chapel be independent of the Bishop of London on this principle, has been submitted to no less a decision than that of Lord Stowell, whose admirable judgment, almost every line of which is applicable to the question of the assumed extra-parochiality of the several inns in this parish, is already in print.

It has been said, and the fact is referred to by Lord Stowell, that the extra-parochiality of Ely Place has been established by the verdict of a jury, but that verdict will, in all probability, turn out to have been obtained on the assumption of mistaken facts, or on some insufficient statement of all the circumstances. On this point we would again venture to advert to the Gray's Inn case, in which there was no trial of the real question, but a

verdict founded on a misapprehension of the law, that usage could prevail against an act of parliament, and we might add, that the first trial of the question as to Thavies Inn, in 1823, was, in the absence of all the evidence, to prove parochiality; and that on the second trial with that inn, the whole issue was unfortunately put upon a perfectly immaterial fact.

We shall decline, for divers reasons, going more particularly into the history of the Ely estate, simply repeating the facts, that the Bishop of Ely, more than a century after legal memory, bought an estate in the parish, that he sold part of it in the time of Elizabeth, which part has always paid poor-rates to St. Andrew's parish, and that he afterwards, under the authority of an act of parliament, alienated the remainder—that the bishop now claims no privilege for his present residence, but the inhabitants of Ely Place do claim the privilege of parochial exemption, because, as they say, the bishop was personally exempted when he lived there.

The object of the present historical sketch

being limited principally to the assumed extra-parochiality of several estates within the ambit of this parish, has confined us hitherto almost entirely to the consideration of these estates, which estates will be found, however, of some importance, and to comprehend the most interesting portions, historically speaking, of the parish; for notwithstanding the present state of universal building, there is no doubt that few other buildings than those already referred to, existed in this parish till after the commencement of the seventeenth century; indeed this is apparent from the most ancient maps of London and its environs now existing.

All London topographers speak of Aggas's as the most ancient map of London in the time of Queen Elizabeth, but as far, at least, as I have been able to learn, it is not generally understood which and where Aggas's map is.

The Society of Antiquaries are in possession of a set of pewter plates published by Vertue, and these are commonly said to be the original plates of Aggas retouched by Vertue. These plates have no date, bear the

arms of England and France alone, and are consequently, if the arms can be trusted, earlier than the time of James the First, or 1604: all the modern maps of London, as it was in the time of Queen Elizabeth, seem to be made up from this, except, perhaps, that published in the new View of London.

There is, however, an ancient map of London in Lambeth Library, apparently from wood cuts, and more deserving of attention than that of the Antiquarian Society: this is probably the real map or ground plot of Aggas, so often spoken of. It bears, however, the arms of England, France, and Ireland, quarterly with those of Scotland also, and cannot therefore be older than the accession of the Stewarts. It differs enough from Vertue's plates to negative identity, though it is most probable that one of these is an indifferent copy from the other: which, however, is the original, may not be certain, as the arms on the pewter plates may have been inserted afterwards.

The next most ancient ground plot of London, is that published by Norden, in his Speculum Britanniæ, in the time of James

the First, which is probably, however, a reduced copy, or taken from the original large survey of Aggas; and some other copies were also published soon after this period, especially that in the "civitates orbis terrarum;" but it is not till the time of Charles I. and of the Commonwealth, that the several undoubtedly original ground plots and views, by Hollar, before and after the great fire, exist, and these are perhaps the earliest maps that can be trusted as original, and delineating, as some of them do, almost every particular house. Most of Hollar's plans, however, are confined to the city and its liberties, and do not therefore extend far enough west and north to give us a complete survey of this parish.*

The general result we may gather from these comparatively ancient maps, with respect to the state of the buildings in this parish, about the year 1600, is, that the frontage on the north side of Holborn-street, from the Fleet River to somewhere about Fullwood's Rents, or possibly to Red Lion

* For a farther account of the most ancient maps of London, see "Minutes of the Society of Antiquaries," vol. ii. p. 288, and vol. iii. p. 94; also "Gough's British Topography," 744.

Street above the Bars, was uninterruptedly covered with houses, but that there was no street or building whatever, north of this row of houses, with the exception of Gray's Inn Lane, which was built upon on the east side of it, to nearly as far as Liquorpond Street. Gray's Inn was, of course, on the west side of this lane, and had its only carriage entrance out of it. The area between the backs of the houses in Holborn, those on the east side of Gray's Inn Lane, the Fleet River, and Liquorpond Street, was then occupied principally by the gardens of Ely House; and the remainder by the gardens of Furnival's Inn, Brook House, and others; Leather Lane, was probably a mere foot-way; and with the exceptions of these houses in Holborn and Gray's Inn Lane, there does not appear by these maps to have been a single building north or west of them in the parish.

The south side of Holborn appears in like manner to have had uninterrupted houses from the Fleet to probably the extremity of the parish on this side the street, that is, to Fenwick Court. Shoe Lane was also a street

with gardens on the east side down to the river Fleet; but behind the houses in Holborn, the gardens of Thavies Inn, and of the other houses, seem to have included all the space in the parish up to Fetter Lane on the west; and westward of that street again, the garden of Barnard's Inn, Staple Inn, and that still larger than either of these, belonging to Southampton House, and abutting on Chancery Lane, occupied the remaining part of the parish southward of the houses in Holborn. Lincoln's Inn, westward of all this, still, in some measure, remains uncovered with buildings, so that almost all the houses in the parish, even so lately as the beginning of the seventeenth century, were confined to the High-street of Holborn, to Shoe Lane, and to a short distance on the east side up Gray's Inn Lane.

With the exception of the two inns of Court, and the several inns of Chancery, as they are called, of the Ely estate, and of the old Temple, afterwards Southampton House, but little mention is made among ancient records, of any other houses in this parish.

However, it appears that the Bishop of Bangor had a palace in Shoe Lane, some remains of which, I believe, still exist.

Of this palace, it may be sufficient to state that Edward III. in 1374, granted to the see of Bangor "a messuage,* and place of land "and garden, with other edifices, in Shoe "Lane, London, in the parish of St. Andrew, "Holborn." This property continued in possession of the bishops of Bangor till lately, though not as a residence, and has never, I believe, been considered or treated as extra-parochial or exempt.

Stow, in his Survey, after speaking of Furnival's Inn, says, "Then is the Earl of Bath's "Inn, now called Bath Place, of late for the "most part new builded, and so to the Bars." This Earl of Bath's Inn was sold in the 17th of James the First, 1619,† to Sir Fred. Greville, Knt., afterwards Lord Brook, who was, in 1628, murdered in this house, then called Brook House, by his servant, Hayward, as

* Rot. Pat. 48 Ed. III. p. 1—19.

† Fine Sir Fred. Greville, Knt. Plt., and the Earl of Bath, Deforciant, Trin. Term, 17 Jas. II. Chapter House.

related in the history of the Brook family, in Pennant's London, and other works. The site of this mansion with its garden, is now occupied by Brook Street and Market, Greville Street, &c.; the house seems to have stood on or about the present entrance to Brook Street in Holborn.

Some, perhaps, of the most ancient houses of a smaller description in this parish, were built about the time of Henry II., on an estate given by Richard Young, one of the canons of St. Paul's, to St. Giles's Hospital, situate between the west corner of Gray's Inn Lane, in Holborn, and the present gateway of that inn, in the same street.*

In closing this historical sketch, we shall insert a mere chronological list of references to other properties in this parish than those already mentioned, and selected from a much larger collection of references, which has been made by way of notes in investigating historically the subject of the supposed extra-parochiality of the estate so often mentioned.

* Parton's St. Giles and the Inquisition tempore Hen. VIII., touching these houses, p. 29.

In the 4th of Edward the First, Peter de Ascan gave certain rents issuing from lands in the parish of St. Mary, at Strand, without the bar of the new Temple, and Holborn within the bar and without, to endow a chantry for his soul in the same church of St. Mary.*

John de Ferraries, or Ferrers, died, seised in the 9th of Edward the First, of certain tenements in Shoe Lane, in the parish.†

The family of Bishop Kirkby seem to have had very extensive possessions in this parish in the time of Edward the First, and accordingly William Kirkby, the brother and heir of the bishop, who died twenty-two years after him, left a considerable estate in the manor of Portpool.‡

And as he left two daughters co-heiresses, a partition of his estate was made between them, on which occasion the property in this parish came to Peter Prilly, and Alice, his wife, one of such daughters.§

* Abb. Rot. Orig. 4 Ed. I. p. 19.
† Escaet. 9 Ed. 1. p. 68. ‡ Escaet. 30 Ed. I. p.31.
§ Abb. Rot. Orig. 30 Ed. I. p. 15.

This property seems to have passed in 16 Edward II. to Hugh Prilly, who then died, seised with Margaret, his wife, of a messuage and forty acres of arable land, holden of three prebendaries of the cathedral church of St. Paul. This messuage and forty acres are said in the inquisition to be worth, by the year, in all issues, three marks and a half. He left a son, Peter, his heir.*

In the 14th of Edward the Second, 1320, the royal licence was granted for the foundation of the chantry of St. Zachary in this parish church.†

In the year 1321, Thomas Patemore, who was possessed of two messuages, in Holborn, in the city, having killed his brother, fled, and the messuages were seized by the sheriff for the king.‡

William Martyne died, seised, in the 19th of Edward the Second, 1325, of a garden and seven shops, in Shoe Lane.§

In the 2d of Edward the Third, 1328, the

* Escaet. 16 Ed. II. p. 33. † Rot. Pat. 14 Ed. II. p 2, 6.
‡ Rot. Parl. 15. Ed. II.
§ Escaet. 19 Ed. II. p. 100.

King committed to Robert Palmer a messuage, with the appurtenances, in the City of London, within Holborn Bar, which heretofore belonged to Robert Dorturer.*

In the 6th of Edward the Third, 1332, the King for his good service, &c., granted to John Potenhale, the messuage with the appurtenances in Holborn in the suburbs of the city of London, which Robert Frere deceased formerly held.†

Roger Orton and I, de Alba Nottelee, in the 14th of Edward the Third, 1338, gave two messuages and three shops in the parishes of St. Botolph, Aldgate, and in Holborn, Middlesex, to St. Bartholomew's Priory in Smithfield.‡

In the 12th of Edward the Third, 1340, the King granted to Thomas Cottyngham and Robert Killeseye, his clerks of chancery, the houses with the appurtenances in the parish of St. Andrew Holborn, in the suburbs of London, which were of John Travers deceased,

* Abb. Rot. Orig. 2 Ed. III. p. 12.
† Abb. Rot. Orig. 6 Ed. III. ro. 13. and Ib. 11 Ed. III. ro. 30.
‡ Inquis. 14 Ed. III. 58.

until a debt to the crown due from the same John Travers should be paid.

Dugdale seems to think that this John Travers was no other than John Thavey, the owner of Thavies Inn, and he is inclined to infer from this document, that this and the minor inns were first called Inns of Chancery, because they were holden by the clerks of that court.*

In the 36th of Edward the Third, 1362, Peter atte Gate died, seised of four acres of land at Portpool.†

And in the same year John Chaunterell also died, leaving a tenement in the London Liberty of this parish.‡

Also in the same year Thomas Berden left land in the parish, without the Bar of the old Temple.§

In the following year certain tolls were granted by the crown, to be taken for repairing the lane called Faytor's (Fetter) Lane in Holborn.‖

* Rot. Fin. 12 Ed. III. 14.
† Escaet. 36 Ed. III. 84.
‡ Escaet. 36 Ed. III. 49.
§ Escaet. 36 Ed. III. 33.
‖ Rot. Pat. 37 Ed. III. p. 2. 47.

And in this year William Evesham died, possessed of a tenement in the London Liberty.*

In the 41st of Edward the Third, 1367, the prioress and convent of Cheshunt, appear to have become possessed of a tenement in Fetter Lane.†

In the following year, Thomas Coulrigg gave to the Abbot and Convent of Malmsbury, three messuages in the London Liberty of this parish.‡

In the 47th of Edward the Third, 1373, three acres of land in Portpool, holden of Lady Ferrers, and five other acres of land there holden of the church of St. Paul, seem to have fallen to the crown as an escheat on the death of Richard atte Gate, a bastard and felo de se.§

In the 7th of Richard the Second, 1383, the King granted certain tolls for paving Holborn Street.‖

* Escaet. 37 Ed. III. 59. † Inquis. 41 Ed. III. 40.

‡ Inq. ad quod damnum 42 Ed. III. 19. and Abb. Rot. Orig. 43 Ed. III. 61.

§ Escaet. 47 Ed. III. 17. ‖ Rot. Pat. 7 Rich. II. p. 2. 5.

Robert de Plesyngton, in the 7th of Henry the Fourth, 1405, died possessed of a messuage in the parish called the Angel, or the Hope, and the Flowerdelice.*

In the following year, Thomas de Neville, in right of Ankarette his wife, left a messuage, &c. in Holborn.†

In the 21st of Henry the Sixth, 1442, there seems to have been instituted a brotherhood or fraternity in this parish of St. Andrew Holborn.‡

Sir William Hankford, Knt., died in the 2d of Henry the Sixth, possessed of three acres of land in this parish, without the Bar.§

In the 6th of Henry the Sixth, John Hend was possessed of a messuage in the parish.‖

John Craweton died, seised in the 12th of Edward the Fourth, 1472, of nine messuages in Holborn, and of another there called the Rose upon the Hope.¶

Sir Robert Hankford, Knt,, died, seised, with Ann his wife, in the 9th of Henry the

* Escaet. 7 Hen. IV. 37.
† Escaet. 8 Hen. IV. 4.
‡ Rot. Pat. 21 Hen. VI. p. 2. 8.
§ Escaet. 2 Hen VI. 32.
‖ Escaet. 6 Hen. VI. 38.
¶ Escaet. 12 Ed. IV. 28.

Sixth, 1430, of a messuage, four shops, and a garden, in the London Liberty, and three acres of land, without the Bar.*

In the 5th of Edward IV., 1465, Sir Thos. Charleton, Knt., left divers tenements in the London Liberty of the parish.†

And in the 20th of Edward the Fourth, 1480, Fulk Boucher, Lord Fitzwarren, died, seised of five messuages within the Bar of the old Temple, in Holborn.‡

In the 9th of Henry the Seventh, Sir Grey Fairfax, Knt., one of the Judges of the King's Bench, conveyed Serjeants Inn, in Holborn, to Sir John Scroop, and others.§

This belonged to the Bishoprick of Ely, and was in possession of the Serjeants at Law in Richard II.'s time.

King Henry the Eighth, in the 36th year of his reign, 1544, granted to William Breton and John Maynard, twelve messuages in the upper liberty of this parish heretofore belonging to the Carthusian Friars.

* Escaet. 9 Hen. VI. † Escaet. 5 Ed. IV. 31.
‡ Escaet. 20 Ed. IV. 65.
§ Feoffment 9 Hen. VII. Hustings Court of London.

This property was afterwards sold to feoffees in trust for the parish of St. Clement Danes, and is situate at the extremity of the parish on the north side of Holborn above Dean Street.*

In the 38th of Henry the Eighth, 1546, the king granted to St. Bartholomew's Hospital, the site of the inn or messuage in this parish, called the Antelope, except Crockhorn Alley and certain waste lands, abutting east on Davis's Inn, west on tenements of Traps, south on other waste lands, and north on Holborn Street.†

In the 2d and 3d of Philip and Mary, 1555, Thomas Ruthelet, left land in Fleet Street and in Holborn.‡

The Middle Row, in Holborn, was built before 1564, as in that year Ralph Pala died, seised of "The Round Rents, in High Hol-"born," by which name this building was originally called.§

In 1556, John Cottingham was seised of a

* Rot. Pat. 38 Hen. VIII.
† Rot. Pat. 38 Hen. VIII. to St. Bartholomew's Hospital.
‡ Escaet. hoc anno. § Escaet. 7 Eliz.

capital messuage, called Scroop's Place, and three other messuages, on the east part thereof, purchased of Richard Alington. This was thentofore Scroop's Inn, holden by the serjeants at law.

This property has never pretended to extra-parochiality, probably because it ceased to be a college of lawyers, before the introduction of poor-rates.*

In the 8th of Elizabeth, 1565, this property seems to have been conveyed back again to the Cottinghams.†

In the 9th of Elizabeth, Ralph Johnson left fourteen messuages, fourteen shops, and ten gardens in the parish.‡

And in the same year Richard Cliff left a messuage called the George, in High Holborn, and thirty acres of land, in this parish and that of St. Pancras; and another messuage in this parish, called the Angel, and another messuage adjoining the Bishop of Ely's Close.

This seems to have included the estate

* Escaet. 3 & 4 Philip and Mary.
† Rot. Cur. Hust. London, 8 Eliz.
‡ Escaet. 9 Eliz.

which afterwards belonged to Mr. Harper, in this parish.*

Two years afterwards, in the 11th of Elizabeth, Geoffery Cliff died, seised of the George, in High Holborn.†

In the 15th of Elizabeth, Richard Bentley, Gent., died, seised of several houses with gardens, and a lane with the appurtenances, in the parish near Gray's Inn and Gray's Inn Fields, on the north part, holden as of the manor of Portpool.

This Richard Bentley was doubtless the churchwarden whose curious historical memoranda are appended to this volume from the original in the parish chest.

This property was probably purchased of Richard Dacon, and others, in 1557. See Fine Mic. 4 and 5 Philip and Mary, and Fine Marshall to Bentley, Mic. 4 Eliz.‡

The Brownlow estate seems to have come to the family of that name about this time. See

* See Fine, Cliff and Harper, Mic. Term, 4 Ed. VI. and 6 Ed. VI. and Harper, Knt., and Adeline, Hil. 7 Eliz.; also Fine the Corporation of Bedford and Sir William Harper, East. 8 Eliz.

† Escaet. 11 Eliz. ‡ Escaet. 4 & 5 Philip and Mary.

Fines Trin. 22 Eliz., Richard Brownlow and Warner, also East. 40 Eliz., Richard Brownlow, Esq., and Smythe, also Mic. 43 Eliz., Brownlow, Esq., and Medcalf.

A bill was filed in the Court of Chancery, about the year 1610, by Thorpe, and others, tenants of the Manor of Holborn, against Lord Derby, to establish sundry leases granted by the Earl of Derby, of lands, &c. in Holborn, Shoe Lane, Horse Alley, and elsewhere, in the parishes of St. Andrew and St. Bride's, parcel of the manor of Holborn, of which the defendant was lord.*

In the 7th of Charles the First, 1631, John Cowper, father of Anthony Ashly Cowper, Lord Shaftesbury, left a messuage in the upper liberty, called the Black Bull, and divers other tenements there.†

Edward Chiswall, Esq., died in the 11th of Charles, 1635, possessed of a messuage and several houses, called Chiswall's Buildings, near Gray's Inn.‡

In 1637, Sir Thomas Fisher, Bart., was

* Chancery Proceedings, vol. ii. p. 43.

† Escaet. 7 Car. I.

‡ Escaet. 11 Car. I.

possessed of messuages and eight gardens, in the upper liberty of the parish.*

In 1640, Richard Garth, Esq., died possessed of four messuages, in High Holborn, in this parish, and three in Chancery Lane.†

And in the same year Catherine Chambers left all those messuages, called the Middle Row, or the Round Rents, in the parish of St. Andrew, and a parcel of land at the west end of the Middle Row, called the Rush Yard, and six shops and buildings there, and one piece of waste ground at the east end of the same Middle Row.‡

And in the 21st of Charles the First, 1645, Sir Ralph Hornsby, Knt., died, seised of the Black Bull, in Gray's Inn Lane, parcel of the Manor of Portpool.§

Although this sketch of the ancient history of this parish has almost necessarily resulted from the collection of materials and authorities quoted, these pages, nevertheless, do not pretend to the legitimate character of topo-

* Escaet. 13 Car. I.
† Escaet. 16 Car. I.
‡ Escaet. 16 Car. I.
§ Escaet. 21 Car. I.

graphy; how far the facts collected may, in the aggregate, bear upon the question between the parishioners and their influential opponents, or rather, perhaps I might say, in the language of Lord Kenyon, between the lawyers and laymen of the parish, is now left, without further comment, to the opinion of the reader: the mind of the writer may be too much biassed by continued ex-parte views to be capable of a sound conclusion.

This, however, is asserted, anxiously and earnestly, viz., that no fact has been intentionally omitted, which might be supposed to favour an opinion different from that which the author, with respect for others nevertheless, maintains. Many references, indeed, to property and persons in the parish have been omitted; but with no other feeling, than that they were totally inapplicable to the principal subject of inquiry, and were calculated only to increase the bulk and the tediousness of the volume, without adding to its information or utility.

Much information, interesting and valuable to the antiquary at least, of a biographical, as

well as a topographical character, might be wrought up in a history of this parish. Amusement, however, has fortunately not been the object in view in this sketch; I say fortunately, because, had this been contemplated, there is no probability that it would have been attained. The investigation of a dry abstract technical fact, however forbidding in appearance, may sometimes be a labour of pleasure to him employed upon it; but the details of such investigation must of necessity be dull and vapid to others. Personal interest may indeed impart a zest to matters otherwise the most insipid, and as these pages are intended, almost exclusively, for the perusal of those who have a personal interest in the subject of them, the editor has some foundation on which to raise a hope that his humble efforts may be less wearisome to the reader than they would be otherwise.

CASES

OF

SUPPOSED EXEMPTION FROM POOR RATES,

CLAIMED

ON THE GROUND OF EXTRA-PAROCHIALITY.

Court of King's Bench, 16th December, 1824.

BEFORE

THE HON. MR. JUSTICE LITTLEDALE

AND

A SPECIAL JURY.

COOKE, Esquire, *v.* BANKS, in Trespass.

LINCOLN'S INN.

First Trial.

THE Attorney General stated, that the question for trial in this case was, whether the *old part* of Lincoln's Inn was liable to be rated to the relief of the poor of the parish of St. Andrew Holborn. The particular set of chambers in which the supposed trespass was made, being situated in the stone buildings which were erected in the ancient gardens of the old part of the inn, and in which the defendant, as collector of the poor rates of St.

Andrew's parish, had committed the supposed trespass by levying a distress for such rates.

He admitted that the part of Lincoln's Inn in question is situated within the local boundary of the parish; but he contended, that it made no part of the parish, and that it by no means followed, that because it is situate in the parish, therefore it formed a part of it. That a part of one county is frequently situate within the limits of another; a striking instance of which, was the case of St. Martin's-le-Grand, in the city of London, which is entirely surrounded by the city, and as to which, many years ago, in the time of Lord Coke, the question was agitated, whether this district came within the Act of Parliament for enforcing the payment of tithes within the city of London, and it was determined, that though locally situated within the city of London, it was not part and parcel thereof, and therefore that act did not apply. He also cited the case, as still more in point, that of Gray's Inn, Holborn, which is built on the site of an ancient religious house,* and is en-

* The history of the inn clearly negatives this.

tirely within the parish of St. Andrew, and as to which the same question was formerly agitated as is now under discussion between the present parties, namely, whether Gray's Inn was part and parcel of that parish, and it was decided by the jury, that though locally within the parish, it formed no part of it. Again, with respect to Lambeth Palace, the same question was agitated in 1796; that palace is situate within, and is surrounded by the parish of Lambeth, and it was decided, that though locally within the parish, it formed no part of it, and was therefore not liable. He also cited the case of Thavies Inn, Holborn, which was similarly situated; in that case, the will of Mr. Thavie, the person from whom it takes its name, in the reign of Edward the Third, was produced, in which it was described as in the parish of St. Andrew Holborn; that, however, was considered merely a local description of the place in which it was situate; but as it formed no part of the parish, it was not liable to be rated.

The Attorney General then described the course taken by the officers of the parish on

perambulating the same, which, as it regards the inn, may be best understood by the plan on the other side.

He then stated that the persons who are in the habit of going this circuit are persons of the first consideration in the parish; they are the clergymen and all the public officers; and that it was not therefore surprising that the benchers of Lincoln's Inn, with a liberality which does them credit, should have been on these occasions in the habit of entertaining the gentlemen who go that perambulation in the hall of Lincoln's Inn; and as it is not unusual for prayers to be read on perambulations at particular parts of the course, it was by no means surprising, that there being a chapel in Lincoln's Inn, when the perambulators came to this part of the parish, instead of saying a prayer in the open street, they should have allowed that prayer to be repeated in the chapel of the inn.

After premising, that the sites of religious houses are generally extra-parochial; because it was unnecessary to provide religious instruction in districts of that description, as in

the case of Lambeth Palace, Gray's Inn, and many other districts,* it was stated;—

That Lincoln's Inn was formerly the property of the Black Friars, before their removal to Castle Baynard, when they sold the inn to Lord Lincoln, in the possession of whose family it continued a considerable period, when it was first leased, and then sold to the benchers. It was therefore the site of an ancient religious establishment; That there is an ancient chapel, a dean, chaplain and preacher, and all the usual officers of a preacher; That the diocesan had no jurisdiction over the chapel, and the minister of St. Andrew's nothing whatever to do with it; That the sacrament money was distributed at the will of the benchers, and that the chapel was immemorial.

That no church-rate or poor-rate had ever been paid to St. Andrew's parish.

* This proposition and its examples are equally infelicitous. The sites of religious houses are not generally extra-parochial. More than 2323 religious houses in England, are mentioned in history; and there are not more than 400 places, including all the Crown's property, the cathedrals, &c., which lay claim to extra-parochiality. Lambeth Palace was decided to be so, on account of its being extra-diocesan, and Gray's Inn never was the site of any religious house.

That no tithe or Easter offering had ever been paid to the rector of that parish.

That no pauper of Lincoln's Inn had ever gained a settlement in the parish; but that the benchers had always provided for their own poor.

That the society have no seats in the parish church.

That the constables of St. Andrew's have no jurisdiction in the inn.

And that the inhabitants of the inn have never contributed to lighting, paving, or watching the parish.

That the land-tax in Lincoln's Inn is levied as on a distinct district, and not as part of the parish.

That double burial fees have been charged by the parish officers, on several occasions of funerals, from the inn as an extra-parochial place.

I am resting, (says the Attorney General,) when I mention these circumstances, on an acknowledged principle of law, namely, long and uninterrupted usage. Time is considered as every thing in respect of possession of pro-

perty; so much so, that if I get property, even wrongfully, into my possession, and keep it twenty years, I cannot be turned out by ejectment; because the party is not entitled to lie bye, and after a long lapse of years, to enforce a right when evidence may be lost, and when that which might, at an earlier period, have been clearly established, it may be, after a lapse of time, impossible to prove by evidence. As to an ejectment, the limit is twenty years; but there is no course of proceeding, by which a party who has gained, knowingly, wrongful possession of property can, after a period of sixty years, be expelled from it. Does not that principle equally apply to property of this description?* Persons purchase and give a correspondent and proportionate price for property, with reference to the charges with which it is encumbered. It is of importance to quiet possession, and the principle, as it is stated, applies as

* The non-professional reader may be reminded that this principle does not apply against an act of parliament, and that various properties have, at different times, been made liable to the acts of parliament imposing poor rates, which properties had, for a long series of years, escaped that burthen.

scribes the estate to be "six acres of land, "with the appurtenances, in the parishes of "St. Dunstan-in-the-West, London, St. An- "drew in Holborn, and St. Giles-in-the- "Fields."

Mr. Scarlett then proceeded to observe, that non-payment of poor-rate was no ground in law for exemption; for that no one could prescribe against an Act of Parliament, or against the payment of tithe. He also observed, that although one or two instances of double fees, taken on burials from the inn by the sexton of St. Andrew's parish, had been proved, still the jury would bear in mind that the inn, being, in fact, in no less than four parishes, the representatives of persons dying in those parts, situate in either of those parishes, would be chargeable with double fees, and as to that fact, the sexton took the mere statement of the undertaker; but no instance had been proved of double fees taken for an interment from the stone buildings, which was the immediate part of the inn in question.

The learned counsel then proceeded to de-

scribe the course taken by the perambulators, observing, that this is not a perambulation of the external limits of a parish, embracing within it a particular district; but it includes this particular corner of the parish, unnecessarily, if it were extra-parochial; for in that case, the real limits of the parish would be the north and east boundary of the inn.

The ground plot of the inn will shew the boundary line of the several parishes, and consequently the course of perambulation of each.

The treat given to the children on this occasion in the hall was, doubtless, gratuitous, on the part of the society; but it is to be observed, that their gratuity did not extend to the perambulators of the other parishes, evidently, because they came upon a very small outlying part of the inn, and did not include the hall and chapel, which must be considered the principal parts of the inn. Nor is it probable, that the service performed on this occasion by the clergy of St. Andrew's, in Lincoln's Inn chapel, could have been a mere compliment, as pretended by the society,

and the witnesses say it was always done as matter of right.*

The learned counsel then proceeded to observe, that the parochial searchers of the dead of St. Andrew's always entered and exercised their office in that part of the inn which is within the parish; and he added, that there were not merely a vast number of entries in the burial register of St. Andrew's, of persons buried there from Lincoln's Inn, but from the time of Elizabeth; that there were many ancient registrations there of persons who died and were buried in Lincoln's Inn, and who, having died there, were carried into the country to be buried; for which there could be no pretence, unless such persons were treated as parishioners, from their so residing in Lincoln's Inn.

The learned counsel commented on the conduct of the society in not producing their title deeds. These deeds would, in all proba-

* This token of subordination of the chapel to St. Andrew's parish was, in all probability, reserved by the deed of consecration, for the very purpose of keeping in mind the fact, that it was within the parish. The loss of this deed, therefore, by the society, has been a fortunate accident for them.

bility, shew, whether the estate ever belonged to the Black Friars; a fact they endeavoured to establish, not by the direct means of their own title deeds, but by the production, from a public repository, of a conveyance from these Friars to Lord Lincoln, and by the arms, supposed to be of that nobleman, over their gate.

The perambulation was then proved by a number of witnesses, and the clergy of St. Andrews also proved reading prayers in the chapel of Lincoln's Inn, on that occasion, as a matter of right. Refreshments were usually given by the society, in their hall, to the perambulators. The perambulation of St. Giles, and of the Liberty of the Rolls were also proved.

Mr. Scarlett proposed to read some passages from Mr. Lane's book, which being objected, to, and the objections argued by the Attorney-general, Mr. Justice Littledale decided in these words—"It appears that the defendant and "the benchers of Lincoln's Inn are to be con- "sidered the same as defending this cause— "they authorise Mr. Lane to publish this book,

" and they submit it to Mr. Dayrell; I must " own, I think little attention is due to the " book, though he may say it is taken from " the records of the society, and Dugdale. He " said, at one time, it was partly from his own " notions. I do not think it can be consi- " dered as authentic—he says, he never saw " this deed—he has seen a deed, but I think " certainly the book is evidence, though not " entitled, in my opinion, to much attention." The passage was then read, which stated that the property was conveyed to Richard Kingsmill, and others, in 1580, as introductory to the fine of that date, which was then put in and read, and which described the estate in the three parishes as before stated.

The learned Judge observed that this fine contains two messuages and six acres of land, described as in three parishes, (St. Andrew, St. Dunstan, and St. Giles,) and afterwards the description occurs again in only two parishes (St. Andrew and St. Dunstan). There was no necessity to repeat these two parishes over again, unless they were separate premises.

Mr. Scarlett observed, that this was the

only spot in which these three parishes meet, and the only spot therefore to which this description could apply. Serle's Court, formerly in the parish of St. Clement, was not purchased by the society till many years afterwards.*

Various extracts from the burial register of St. Andrew's, from the year 1565, of persons buried from the Inn, of others buried in the Inn; and of others who died in the Inn, and were carried away to be buried, were then put in and read.

The searcher of the bodies of the dead appointed by the rector of St. Andrew's parish had always been in the habit of inspecting the deceased who died in Lincoln's Inn, and it appeared that when a body is buried in any parish in London from another parish, the searchers give a certificate, which is transmitted to the parish clerk's hall; and without which no funeral is permitted.

* St. Andrew's and St. Dunstan's parishes are partly in the city and partly in the county. The three parishes are, therefore, first said to be in the county, and two of them in the second count as it were of the fine, are afterwards said to be in the city.

With respect to the cases of St. Martin-le-Grand, Lambeth Palace and others which had been cited, Mr. Scarlett contended that it was impossible to draw any inference from these cases applicable to the present case, unless all the particulars of each were known. It has been said, that cases are no more like than faces, and yet they are very often cited to support each other. He admitted that many parishes have particular spots surrounded by another parish, and that many hundreds and counties have insulated parts surrounded by another hundred or county, as the township of Crake, belonging to Yorkshire, which is surrounded by the county of Durham; but in the present case, the peculiarity of the perambulations is such as to distinguish it from all those referred to. The inn is situated on the boundary line of the parish, and the perambulators actually go out of their course to include it, that is on the supposition of its not being in the parish, for on that supposition they ought to perambulate the north and east sides only of the inn, instead of pursuing a particular line through the

inn itself. The non-payment of tithes, he contended, proved nothing, for many other parts of this parish were altogether exempt from tithes as well as Lincoln's Inn, and as to the residents of the inn never having been elected to parochial offices, it was clear that barristers or attornies were not considered, in practice at least, as liable or eligible to these offices, and the inhabitants of Lincoln's Inn were either barristers, attornies, or their clerks, who not being housekeepers, were not liable to parochial offices.

The non-payment of rates must be referred, he contended, to the difficulty the parish had in procuring evidence to shew that the society was rateable, in consequence of this evidence being principally in the society's own possession. An overseer of the poor, in former times, was not likely to have the courage or confidence to oppose himself to such a body, including probably the Lord Chancellor, the Master of the Rolls, some of the Judges, and his Majesty's counsel, especially when these great and learned persons insisted, as they do now,—you shall not come near us; you shall

not have a peep at our title-deed; we will resist you with all our power and influence. In modern times, indeed, matters were changed, and parishioners have become a little more courageous. They begin to think that a king's counsel is like another man; that the rights of these eminent persons will be determined by a Judge like those of any other person, and they now come forward and say boldly, state your case, and let us see if we cannot beat you. Still, however, the contest is an unequal one; the society will not help us to get at the truth; they have the most important evidence in their own hands, nor will they permit the parish to see or touch it.

But from what had transpired, the learned counsel would be able to prove that the society had obtained a conveyance of the part of this inn in question in 1580, and before, therefore, the operation of the poor laws, under the description of a messuage and six acres of land, situated in the parishes of St. Dunstan-in-the-West, St. Andrew Holborn, and St. Giles-in-the-Fields; the conveyance

being made to Mr. Kingsmill and others, as trustees for the Society. This he should be able to shew, by means of Mr. Lane's book, published by authority of the benchers, and with their consent, after a revision by Mr. Dayrell, one of the benchers.* Mr. Lane was not allowed to produce the deed; but his book, with the authority of the benchers, states, "Eustace Sulyard surviving, Edward, his "heir, by deed of the 8th and 12th of Novem- "ber 1580, conveyed to Richard Kingmill "and other benchers, this house, garden, &c. "in fee, whereupon a fine was levied by the "said Edward and his wife;" which fine, said Mr. Scarlett, I will produce, and if it does not describe Mr. Kingsmill and others as benchers of Lincoln's Inn, that defect is cured by Mr. Lane's book, which identifies the fine with the estate and with the parties, and de-

* Mr. Lane's book does not state that the property is described parochially in the deed referred to; but it states that Mr. Kingsmill and other benchers took the conveyance of it in 1580 for the Society, and the fine, which was afterwards read in evidence, and was levied in pursuance of this deed, supplies this omission in Mr. Lane's book.

scribes the estate to be "six acres of land, "with the appurtenances, in the parishes of "St. Dunstan-in-the-West, London, St. An- "drew in Holborn, and St. Giles-in-the- "Fields."

Mr. Scarlett then proceeded to observe, that non-payment of poor-rate was no ground in law for exemption; for that no one could prescribe against an Act of Parliament, or against the payment of tithe. He also observed, that although one or two instances of double fees, taken on burials from the inn by the sexton of St. Andrew's parish, had been proved, still the jury would bear in mind that the inn, being, in fact, in no less than four parishes, the representatives of persons dying in those parts, situate in either of those parishes, would be chargeable with double fees, and as to that fact, the sexton took the mere statement of the undertaker; but no instance had been proved of double fees taken for an interment from the stone buildings, which was the immediate part of the inn in question.

The learned counsel then proceeded to de-

scribe the course taken by the perambulators, observing, that this is not a perambulation of the external limits of a parish, embracing within it a particular district; but it includes this particular corner of the parish, unnecessarily, if it were extra-parochial; for in that case, the real limits of the parish would be the north and east boundary of the inn.

The ground plot of the inn will shew the boundary line of the several parishes, and consequently the course of perambulation of each.

The treat given to the children on this occasion in the hall was, doubtless, gratuitous, on the part of the society; but it is to be observed, that their gratuity did not extend to the perambulators of the other parishes, evidently, because they came upon a very small outlying part of the inn, and did not include the hall and chapel, which must be considered the principal parts of the inn. Nor is it probable, that the service performed on this occasion by the clergy of St. Andrew's, in Lincoln's Inn chapel, could have been a mere compliment, as pretended by the society,

and the witnesses say it was always done as matter of right.*

The learned counsel then proceeded to observe, that the parochial searchers of the dead of St. Andrew's always entered and exercised their office in that part of the inn which is within the parish; and he added, that there were not merely a vast number of entries in the burial register of St. Andrew's, of persons buried there from Lincoln's Inn, but from the time of Elizabeth; that there were many ancient registrations there of persons who died and were buried in Lincoln's Inn, and who, having died there, were carried into the country to be buried; for which there could be no pretence, unless such persons were treated as parishioners, from their so residing in Lincoln's Inn.

The learned counsel commented on the conduct of the society in not producing their title deeds. These deeds would, in all proba-

* This token of subordination of the chapel to St. Andrew's parish was, in all probability, reserved by the deed of consecration, for the very purpose of keeping in mind the fact, that it was within the parish. The loss of this deed, therefore, by the society, has been a fortunate accident for them.

bility, shew, whether the estate ever belonged to the Black Friars; a fact they endeavoured to establish, not by the direct means of their own title deeds, but by the production, from a public repository, of a conveyance from these Friars to Lord Lincoln, and by the arms, supposed to be of that nobleman, over their gate.

The perambulation was then proved by a number of witnesses, and the clergy of St. Andrews also proved reading prayers in the chapel of Lincoln's Inn, on that occasion, as a matter of right. Refreshments were usually given by the society, in their hall, to the perambulators. The perambulation of St. Giles, and of the Liberty of the Rolls were also proved.

Mr. Scarlett proposed to read some passages from Mr. Lane's book, which being objected, to, and the objections argued by the Attorney-general, Mr. Justice Littledale decided in these words—"It appears that the defendant and "the benchers of Lincoln's Inn are to be con- "sidered the same as defending this cause— "they authorise Mr. Lane to publish this book,

" and they submit it to Mr. Dayrell; I must " own, I think little attention is due to the " book, though he may say it is taken from " the records of the society, and Dugdale. He " said, at one time, it was partly from his own " notions. I do not think it can be consi- " dered as authentic—he says, he never saw " this deed—he has seen a deed, but I think " certainly the book is evidence, though not " entitled, in my opinion, to much attention." The passage was then read, which stated that the property was conveyed to Richard Kingsmill, and others, in 1580, as introductory to the fine of that date, which was then put in and read, and which described the estate in the three parishes as before stated.

The learned Judge observed that this fine contains two messuages and six acres of land, described as in three parishes, (St. Andrew, St. Dunstan, and St. Giles,) and afterwards the description occurs again in only two parishes (St. Andrew and St. Dunstan). There was no necessity to repeat these two parishes over again, unless they were separate premises.

Mr. Scarlett observed, that this was the

only spot in which these three parishes meet, and the only spot therefore to which this description could apply. Serle's Court, formerly in the parish of St. Clement, was not purchased by the society till many years afterwards.*

Various extracts from the burial register of St. Andrew's, from the year 1565, of persons buried from the Inn, of others buried in the Inn; and of others who died in the Inn, and were carried away to be buried, were then put in and read.

The searcher of the bodies of the dead appointed by the rector of St. Andrew's parish had always been in the habit of inspecting the deceased who died in Lincoln's Inn, and it appeared that when a body is buried in any parish in London from another parish, the searchers give a certificate, which is transmitted to the parish clerk's hall; and without which no funeral is permitted.

* St. Andrew's and St. Dunstan's parishes are partly in the city and partly in the county. The three parishes are, therefore, first said to be in the county, and two of them in the second count as it were of the fine, are afterwards said to be in the city.

The admission as to the formal sufficiency of the trespass was then read, which closed the defendant's case.

In summing up, the learned judge referred to the point of law which had been put to him in the course of the cause, namely, whether, if the Inn were part and parcel of the parish, the non-payment of poor-rate to this period would constitute a defence, and stated, that if once established to be part and parcel of the parish, it was not necessary that any poor-rate should ever have been paid before; that this, therefore, was entirely a question of fact and boundary, whether this place be part and parcel of the parish; if so, no omission on the part of the parish officers in supporting their rights will be of any effect, and on the other hand, if there was an early period in which it was no part of the parish, no subsequent enforcement of rates would make it so.

The learned judge then recapitulated the whole of the evidence on both sides, and the jury, after consulting for about five minutes, returned a verdict for the defendant.

Court of King's Bench, Hilary Term, 1825.

COOKE, Esquire, *v.* BANKS, in Trespass.

LINCOLN'S INN.

Motion for a New Trial.

In Hilary Term, 1825, the Attorney-general moved for a rule to shew cause why the verdict found for the defendant in this cause should not be set aside, and a new trial be had principally on the ground that Mr. Lane's book ought not to have been received in evidence, and also upon this point of law, viz. that admitting the land to be parcel of the parish, it might have been exempt from all ecclesiastical jurisdiction, at and before the passing of the statute of Elizabeth, and as the churchwardens would, in that case, have no jurisdiction within the estate, it was not brought within the provisions of that statute. The importance of the case was also suggested as a ground for a new trial.

The Court granted a rule to shew cause, observing, " We do not grant this rule on any " particular point."

In the Easter Term following, the rule came on for argument, when the Attorney-general contended on the point of admissibility of Mr. Lane's book, that although the manuscript which Mr. Lane submitted to Mr. Darrell, and which that gentleman as a bencher sanctioned, might have been evidence, a printed copy of it could not be, and that the copy put in evidence, not being the first edition, was still another remove from the manuscript, and was therefore the less admissible. But the main point which was relied upon was argued by Mr. Nolan at very great length.* This was, that Lincoln's Inn chapel was a parochial collegiate chapel, which might be within the ambit of St. Andrew's parish, but that the inn was a parochial chapelry perfectly independent of that parish.

* Mr. Nolan was complimented for the very elaborate and able manner in which he argued this point. The details of this argument we omit here, because whatever weight it might have had in inducing the Court to grant a new trial, the point of distinct parochiality was abandoned on the second trial.

The argument concluded by the following colloquy :—

Lord Chief Justice *Abbott*.—On some terms certainly the court will think there should be a new trial, at present we are of opinion there should be a new trial, the costs of the former trial abiding the event of that trial; that is what we would propose now.

Mr. *Coleridge*.—After what your lordship has now said, perhaps it would not be proper for me to go into the general question.

Lord C. J. *Abbott*.—When so strong an intimation has been given by all the learned judges, that this is a matter of so much importance that the parties ought not to be concluded without a reconsideration, the bar will use their own discretion, whether after that they should go further.

Mr. *Coleridge*.—I do not mean after that

The parish was put to very considerable expense in preparing ancient documentary evidence to prove that, which it was supposed was to be the only question for trial, namely, that suggested by this argument of an independent chapelry; but that question was almost altogether suppressed by the society on such second trial.

intimation to trouble the Court further than as to the terms on which a new trial should be granted, in doing that I trust I may be permitted to advert to the circumstances of the case.

Lord C. J. *Abbott*.—By all means.

Mr. *Coleridge*.—So far as to shew that some further terms ought to be imposed upon the party, and that we ought at all events to have the costs of the former trial. Your lordship will allow me to direct your attention to the circumstances under which this action was brought; it was brought avowedly by a society of the law.

Lord C. J. *Abbott*.—Against a parish, one society against another, not a society against an individual.

Mr. *Coleridge*.—It cannot be said either that they wanted legal information, or that they wanted time in this case fully to prepare themselves; they came to the trial to make the point of non-parochiality; that was the whole struggle at the trial; upon that point they were beaten, then they came here to put it on a totally distinct ground. I

understood the Attorney-general contended at the trial, that though within the local ambit, it formed no part of the parish; on the motion he admitted, it was parcel of the parish. Then where has been the fault in the party? On which side has the fault been? The defendants were bound to proceed on the ground upon which they put the case; they obscure all the right as far as they can, and when they find that, in spite of that obscurity, the jury have come to a conclusion on the fact, then they state this exceedingly doubtful point of law. Under these circumstances I trust your lordship will call upon them, either to give us the benefit of these deeds to which reference has been made—to let us see those deeds—or will you give us the costs of the new trial on going down again? It would be exceedingly hard that we should be dragged, I may say, by this resistance on a false point, under the peculiar circumstances of the case.

Lord C. J. *Abbott*.—I do not think those who seek to disturb that which has existed for five hundred years have any grounds to

and the witnesses say it was always done as matter of right.*

The learned counsel then proceeded to observe, that the parochial searchers of the dead of St. Andrew's always entered and exercised their office in that part of the inn which is within the parish; and he added, that there were not merely a vast number of entries in the burial register of St. Andrew's, of persons buried there from Lincoln's Inn, but from the time of Elizabeth; that there were many ancient registrations there of persons who died and were buried in Lincoln's Inn, and who, having died there, were carried into the country to be buried; for which there could be no pretence, unless such persons were treated as parishioners, from their so residing in Lincoln's Inn.

The learned counsel commented on the conduct of the society in not producing their title deeds. These deeds would, in all proba-

* This token of subordination of the chapel to St. Andrew's parish was, in all probability, reserved by the deed of consecration, for the very purpose of keeping in mind the fact, that it was within the parish. The loss of this deed, therefore, by the society, has been a fortunate accident for them.

bility, shew, whether the estate ever belonged to the Black Friars; a fact they endeavoured to establish, not by the direct means of their own title deeds, but by the production, from a public repository, of a conveyance from these Friars to Lord Lincoln, and by the arms, supposed to be of that nobleman, over their gate.

The perambulation was then proved by a number of witnesses, and the clergy of St. Andrews also proved reading prayers in the chapel of Lincoln's Inn, on that occasion, as a matter of right. Refreshments were usually given by the society, in their hall, to the perambulators. The perambulation of St. Giles, and of the Liberty of the Rolls were also proved.

Mr. Scarlett proposed to read some passages from Mr. Lane's book, which being objected, to, and the objections argued by the Attorney-general, Mr. Justice Littledale decided in these words—"It appears that the defendant and "the benchers of Lincoln's Inn are to be con- "sidered the same as defending this cause— "they authorise Mr. Lane to publish this book,

" and they submit it to Mr. Dayrell; I must " own, I think little attention is due to the " book, though he may say it is taken from " the records of the society, and Dugdale. He " said, at one time, it was partly from his own " notions. I do not think it can be consi- " dered as authentic—he says, he never saw " this deed—he has seen a deed, but I think " certainly the book is evidence, though not " entitled, in my opinion, to much attention." The passage was then read, which stated that the property was conveyed to Richard Kingsmill, and others, in 1580, as introductory to the fine of that date, which was then put in and read, and which described the estate in the three parishes as before stated.

The learned Judge observed that this fine contains two messuages and six acres of land, described as in three parishes, (St. Andrew, St. Dunstan, and St. Giles,) and afterwards the description occurs again in only two parishes (St. Andrew and St. Dunstan). There was no necessity to repeat these two parishes over again, unless they were separate premises.

Mr. Scarlett observed, that this was the

only spot in which these three parishes meet, and the only spot therefore to which this description could apply. Serle's Court, formerly in the parish of St. Clement, was not purchased by the society till many years afterwards.*

Various extracts from the burial register of St. Andrew's, from the year 1565, of persons buried from the Inn, of others buried in the Inn; and of others who died in the Inn, and were carried away to be buried, were then put in and read.

The searcher of the bodies of the dead appointed by the rector of St. Andrew's parish had always been in the habit of inspecting the deceased who died in Lincoln's Inn, and it appeared that when a body is buried in any parish in London from another parish, the searchers give a certificate, which is transmitted to the parish clerk's hall; and without which no funeral is permitted.

* St. Andrew's and St. Dunstan's parishes are partly in the city and partly in the county. The three parishes are, therefore, first said to be in the county, and two of them in the second count as it were of the fine, are afterwards said to be in the city.

attentive to the possession of their documents, and you are attacking them, at a distance of time when they have lost the means of proving those facts from their deeds, which they might have established at an earlier period; whether that is so in this instance I cannot say.

Let the rule be absolute for a new trial; the costs to abide the event.

Mr. Justice *Bayley*.—If the defendant succeeds next time, he will have the costs of both trials.

Upon the second trial being ordered, a bill of discovery in Chancery was filed by the parish, calling on the defendant to set forth, whether the conveyances to the trustees for the society, in 1580, did not describe the inn as situated in the three parishes, which bill was abandoned on the society undertaking to admit, on the second trial, "That the grantees named and "described, in certain deeds of conveyance, dated the 8th and "12th days of November, 1580, were benchers of the society "of Lincoln's Inn at the period. Or to enable the defendant "to prove upon the trial the fact of their being so, either by "producing the council books of the said society, or otherwise, "as the plaintiff's counsel shall advise."

Court of King's Bench, 11th December, 1826.

BEFORE

THE RIGHT HON. THE LORD CHIEF JUSTICE.

COOKE, Esquire, *v.* BANKS, in Trespass.

LINCOLN'S INN.

Second Trial.

THE Solicitor-general stated, that the question for trial was whether the stone-building in Lincoln's Inn, for the purposes of rating and bearing parochial burthens, was part and parcel of the united parishes of St. Andrew and St. George—he did not deny that this building was locally situated within the parish, but he denied that it was any part of the parish for parochial purposes. He compared Lincoln's Inn to parts of counties surrounded by other counties, or to the cases of Thavie's Inn, Serjeant's Inn, Lambeth Palace, and the Temple, which are extra-parochial. After

stating that the regular clergy did not pay tithes, and that their residences were not parochial, he then referred to the history of Lincoln's Inn, and particularly to its having been the property of the Black Friars, and of the Bishop of Chichester, and that it has never since been rated or paid. That the chapel was a district chapel, he said, was apparent from the parliamentary survey in 1649, which returned that there was no chapel in the parish, St. John's chapel not being at that time built; reputation was also in favour of the extra-parochiality of this estate, and the parish register afforded evidence of this reputation, for there were repeated instances of marriages there recorded in this form:—A. B. of Lincoln's Inn, and C. D. of this parish.

As far as the Attorney-general was informed, the only evidence that could be produced on the other side, was that of perambulation; he admitted the spot to be in the ambit of the parish, but as the parish included three liberties, the perambulations afforded no evidence as to which of these included Lincoln's Inn. The rector read prayers on this occasion, in

the chapel, which the society had permitted, knowing that this perambulation was an idle ceremony for every purpose but that of the parish at large; knowing that the perambulation meant nothing, they opened their doors to the procession. The Solicitor-general concluded by repeating the negative facts as to rating, and as to the society imposing any burthen on the parish, and by stigmatizing the conduct of the parish for making this claim, after having so long declined to do so.

The defendant's admission of the trespass, &c. was then put in and read, and no evidence was called.

Mr. Scarlett, for the defendant, expressed great surprise at the course taken by the Attorney-general in not calling evidence; he had endeavoured, by a long speech, and by a statement of facts which he had no intention of proving, to prejudice the minds of the jury. After referring to the law, that the society could not prescribe against an act of parliament, he observed, that the question was whether the non-rating was referable to extra-parochiality, or to any other cause, and

Court of King's Bench, 16th December, 1824.

BEFORE

THE HON. MR. JUSTICE LITTLEDALE

AND

A SPECIAL JURY.

COOKE, Esquire, *v.* BANKS, in Trespass.

LINCOLN'S INN.

First Trial.

THE Attorney General stated, that the question for trial in this case was, whether the *old part* of Lincoln's Inn was liable to be rated to the relief of the poor of the parish of St. Andrew Holborn. The particular set of chambers in which the supposed trespass was made, being situated in the stone buildings which were erected in the ancient gardens of the old part of the inn, and in which the defendant, as collector of the poor rates of St.

Andrew's parish, had committed the supposed trespass by levying a distress for such rates.

He admitted that the part of Lincoln's Inn in question is situated within the local boundary of the parish; but he contended, that it made no part of the parish, and that it by no means followed, that because it is situate in the parish, therefore it formed a part of it. That a part of one county is frequently situate within the limits of another; a striking instance of which, was the case of St. Martin's-le-Grand, in the city of London, which is entirely surrounded by the city, and as to which, many years ago, in the time of Lord Coke, the question was agitated, whether this district came within the Act of Parliament for enforcing the payment of tithes within the city of London, and it was determined, that though locally situated within the city of London, it was not part and parcel thereof, and therefore that act did not apply. He also cited the case, as still more in point, that of Gray's Inn, Holborn, which is built on the site of an ancient religious house,* and is en-

* The history of the inn clearly negatives this.

tirely within the parish of St. Andrew, and as to which the same question was formerly agitated as is now under discussion between the present parties, namely, whether Gray's Inn was part and parcel of that parish, and it was decided by the jury, that though locally within the parish, it formed no part of it. Again, with respect to Lambeth Palace, the same question was agitated in 1796; that palace is situate within, and is surrounded by the parish of Lambeth, and it was decided, that though locally within the parish, it formed no part of it, and was therefore not liable. He also cited the case of Thavies Inn, Holborn, which was similarly situated; in that case, the will of Mr. Thavie, the person from whom it takes its name, in the reign of Edward the Third, was produced, in which it was described as in the parish of St. Andrew Holborn; that, however, was considered merely a local description of the place in which it was situate; but as it formed no part of the parish, it was not liable to be rated.

The Attorney General then described the course taken by the officers of the parish on

perambulating the same, which, as it regards the inn, may be best understood by the plan on the other side.

He then stated that the persons who are in the habit of going this circuit are persons of the first consideration in the parish; they are the clergymen and all the public officers, and that it was not therefore surprising that the benchers of Lincoln's Inn, with a liberality which does them credit, should have been on these occasions in the habit of entertaining the gentlemen who go that perambulation in the hall of Lincoln's Inn; and as it is not unusual for prayers to be read on perambulations at particular parts of the course, it was by no means surprising, that there being a chapel in Lincoln's Inn, when the perambulators came to this part of the parish, instead of saying a prayer in the open street, they should have allowed that prayer to be repeated in the chapel of the inn.

After premising, that the sites of religious houses are generally extra-parochial; because it was unnecessary to provide religious instruction in districts of that description, as in

the case of Lambeth Palace, Gray's Inn, and many other districts,* it was stated;—

That Lincoln's Inn was formerly the property of the Black Friars, before their removal to Castle Baynard, when they sold the inn to Lord Lincoln, in the possession of whose family it continued a considerable period, when it was first leased, and then sold to the benchers. It was therefore the site of an ancient religious establishment; That there is an ancient chapel, a dean, chaplain and preacher, and all the usual officers of a preacher; That the diocesan had no jurisdiction over the chapel, and the minister of St. Andrew's nothing whatever to do with it; That the sacrament money was distributed at the will of the benchers, and that the chapel was immemorial.

That no church-rate or poor-rate had ever been paid to St. Andrew's parish.

* This proposition and its examples are equally infelicitous. The sites of religious houses are not generally extra-parochial. More than 2323 religious houses in England, are mentioned in history; and there are not more than 400 places, including all the Crown's property, the cathedrals, &c., which lay claim to extra-parochiality. Lambeth Palace was decided to be so, on account of its being extra-diocesan, and Gray's Inn never was the site of any religious house.

That no tithe or Easter offering had ever been paid to the rector of that parish.

That no pauper of Lincoln's Inn had ever gained a settlement in the parish; but that the benchers had always provided for their own poor.

That the society have no seats in the parish church.

That the constables of St. Andrew's have no jurisdiction in the inn.

And that the inhabitants of the inn have never contributed to lighting, paving, or watching the parish.

That the land-tax in Lincoln's Inn is levied as on a distinct district, and not as part of the parish.

That double burial fees have been charged by the parish officers, on several occasions of funerals, from the inn as an extra-parochial place.

I am resting, (says the Attorney General,) when I mention these circumstances, on an acknowledged principle of law, namely, long and uninterrupted usage. Time is considered as every thing in respect of possession of pro-

perty; so much so, that if I get property, even wrongfully, into my possession, and keep it twenty years, I cannot be turned out by ejectment; because the party is not entitled to lie bye, and after a long lapse of years, to enforce a right when evidence may be lost, and when that which might, at an earlier period, have been clearly established, it may be, after a lapse of time, impossible to prove by evidence. As to an ejectment, the limit is twenty years; but there is no course of proceeding, by which a party who has gained, knowingly, wrongful possession of property can, after a period of sixty years, be expelled from it. Does not that principle equally apply to property of this description?* Persons purchase and give a correspondent and proportionate price for property, with reference to the charges with which it is encumbered. It is of importance to quiet possession, and the principle, as it is stated, applies as

* The non-professional reader may be reminded that this principle does not apply against an act of parliament, and that various properties have, at different times, been made liable to the acts of parliament imposing poor rates, which properties had, for a long series of years, escaped that burthen.

much to a case of this nature, as it does to a substantial and bodily possession of property.

In conclusion, the Attorney General stated that the stone building in which the alleged trespass was committed, was a comparatively modern erection, having been built about fifty or sixty years ago; but these buildings were on the ancient garden of Lincoln's Inn, formerly belonging to the Black Friars.

Admissions were then put in and read, namely, for the plaintiff, that the defendant was legally appointed collector of the poor-rate for the parish; that the goods in question were taken as a distress for such rate under the St. Andrew's local Act, and that the plaintiff was occupier of the chambers. For the defendant, the trespass was admitted, and other formalities.

Francis Burton, Esquire, a bencher of Lincoln's Inn, proved, that he had chambers in the inn from the year 1767; that he never paid Easter offerings or tithes, poor-rates or church-rates, and that he was never called upon to take upon himself a parochial office in St. Andrew's parish, in consequence of his

residence in Lincoln's Inn; that there was, for all his time, a chapel in the inn, with a preacher, appointed by the society; that the sacrament was administered there, and that burials also took place under it; he did not recollect any case of baptism. He had never seen the consecration deed of the chapel.

John Benbow, Esquire, Benjamin Winthorpe, Esquire, James William Farrer, Esquire, and Henry Kepp, Esquire, had occupied chambers in the inn several years, and proved the non-payment of parochial rates of all sorts.

The Rev. Morgan Hughes, who officiates for Mr. Walker, the reader of the chapel, has administered the sacrament in the chapel, but did not know of any burials there himself. His production of the registers was objected to, they being in the custody of Mr. Lane the steward.

Jonathan Myler proved that he lived in the inn, and that his wife died there, and was buried in St. Andrew's church-yard; that he paid £4. 10*s.* for a head-stone to the grave to Mrs. Perry, who acted as sexton; that he ob-

jected to the amount, but the sexton claimed it of him as not being a parishioner.

Mr. Wright, an undertaker, proved that he had buried James Reid, Esquire, in St. Andrew's vault, from the old square in the inn, and that he believed he paid double fees on that occasion.

Mrs. Perry, who acts as sexton of St. Andrew's parish, and receives the burial fees, was examined at some length, as to double burial fees being taken on funerals from Lincoln's Inn. The result seemed to be, that it was usual to inquire of the undertaker, whether the body came from that part of the inn which was in the parish, and the fee was taken accordingly. It did not appear that any double fee was taken for funerals from the stone buildings.

Mr. Lane, steward of the inn, after proving non-payment of rate, as had been spoken to by the other witnesses, stated that he knew four or five cases of foundlings dropt in the inn, who were taken care of by the society. He knew several cases also, for fifty years back, of paupers relieved by the society, in conse-

quence of having been servants, or lived in the inn. In 1796 there was an appeal against the St. Andrew's militia return, because it included the names of residents in the inn; the deputy lieutenants were satisfied this was improper, and struck the names out.

On his cross-examination, Mr. Lane admitted that he had published the Lincoln's Inn Guide by the authority of the benchers of Lincoln's Inn, and that he had brought the books and muniments of the society under his subpœna, as the society had directed him; and the Attorney General, having been called upon to state whether he was counsel for the society, answered, that he appeared only for Mr. Cooke. It was submitted to the Judge, that the society's books, being in court with their permission, and the society not being represented by counsel, and consequently not objecting to the reading of these books, they ought to be read; whereupon the Attorney General then stated, that he was informed for the first time by his attorney that he was counsel for the benchers, and in that character he objected to the books being

read. Mr. Lane was then asked whether Kingsmill, whose name occurred in that book, was not a bencher of Lincoln's Inn, but was not able to answer; the witness never saw the deed of consecration of the chapel, but he proved the hand-writing of several of the benchers to the petition to parliament on behalf of the society. The witness believed that the part of the inn which was within the parish of St. Clement Danes had been rated and paid for upwards of thirty years; but that the part in the Rolls liberty of St. Dunstan's parish had not paid till a recent trial, which took place between that parish and the inn on the question. Mr. Lane had stated in the Lincoln's Inn Guide, published by authority of the benchers, that the society derived title under a conveyance from Sulyard to Kingsmill and others, benchers in the time of Elizabeth, but he had never seen the deed, nor did he know that Kingsmill was at that time a bencher.

A translation of an inspeximus confirmation of the 13th of King Edward the First to Henry de Lacy, Earl of Lincoln, was then put

in and read, to shew that the site of the inn did once belong to the Black Friars. Mr. Illingworth proved that the arms of Lacy, Lord Lincoln, are still existing over the gate-way of the old building.

Defendant's Case.

Mr. Scarlett, on behalf of the defendant, stated that if he could at any time feel a triumph in gaining an advantage over his learned friend, it would be on this occasion, as he had forced him, notwithstanding his dexterity and skill, to appear for the real plaintiffs in this action, the benchers of Lincoln's Inn. He did not mean to complain of the conduct of the benchers, as to the mode in which they thought it best to conduct their case; but if they withheld evidence which they were entitled by strict law to do, which evidence would shew, he did not doubt, that the estate had been conveyed to them, as in the several parishes of St. Andrew Holborn, St. Dunstan, St. Clement Danes and St. Giles; he had a right to draw the conclusion that such, if produced, would be as he stated.

read. Mr. Lane was then asked whether Kingsmill, whose name occurred in that book, was not a bencher of Lincoln's Inn, but was not able to answer; the witness never saw the deed of consecration of the chapel, but he proved the hand-writing of several of the benchers to the petition to parliament on behalf of the society. The witness believed that the part of the inn which was within the parish of St. Clement Danes had been rated and paid for upwards of thirty years; but that the part in the Rolls liberty of St. Dunstan's parish had not paid till a recent trial, which took place between that parish and the inn on the question. Mr. Lane had stated in the Lincoln's Inn Guide, published by authority of the benchers, that the society derived title under a conveyance from Sulyard to Kingsmill and others, benchers in the time of Elizabeth, but he had never seen the deed, nor did he know that Kingsmill was at that time a bencher.

A translation of an inspeximus confirmation of the 13th of King Edward the First to Henry de Lacy, Earl of Lincoln, was then put

in and read, to shew that the site of the inn did once belong to the Black Friars. Mr. Illingworth proved that the arms of Lacy, Lord Lincoln, are still existing over the gate-way of the old building.

Defendant's Case.

Mr. Scarlett, on behalf of the defendant, stated that if he could at any time feel a triumph in gaining an advantage over his learned friend, it would be on this occasion, as he had forced him, notwithstanding his dexterity and skill, to appear for the real plaintiffs in this action, the benchers of Lincoln's Inn. He did not mean to complain of the conduct of the benchers, as to the mode in which they thought it best to conduct their case; but if they withheld evidence which they were entitled by strict law to do, which evidence would shew, he did not doubt, that the estate had been conveyed to them, as in the several parishes of St. Andrew Holborn, St. Dunstan, St. Clement Danes and St. Giles; he had a right to draw the conclusion that such, if produced, would be as he stated.

not have a peep at our title-deed; we will resist you with all our power and influence. In modern times, indeed, matters were changed, and parishioners have become a little more courageous. They begin to think that a king's counsel is like another man; that the rights of these eminent persons will be determined by a Judge like those of any other person, and they now come forward and say boldly, state your case, and let us see if we cannot beat you. Still, however, the contest is an unequal one; the society will not help us to get at the truth; they have the most important evidence in their own hands, nor will they permit the parish to see or touch it.

But from what had transpired, the learned counsel would be able to prove that the society had obtained a conveyance of the part of this inn in question in 1580, and before, therefore, the operation of the poor laws, under the description of a messuage and six acres of land, situated in the parishes of St. Dunstan-in-the-West, St. Andrew Holborn, and St. Giles-in-the-Fields; the conveyance

being made to Mr. Kingsmill and others, as trustees for the Society. This he should be able to shew, by means of Mr. Lane's book, published by authority of the benchers, and with their consent, after a revision by Mr. Dayrell, one of the benchers.* Mr. Lane was not allowed to produce the deed; but his book, with the authority of the benchers, states, "Eustace Sulyard surviving, Edward, his "heir, by deed of the 8th and 12th of Novem- "ber 1580, conveyed to Richard Kingmill "and other benchers, this house, garden, &c. "in fee, whereupon a fine was levied by the "said Edward and his wife;" which fine, said Mr. Scarlett, I will produce, and if it does not describe Mr. Kingsmill and others as benchers of Lincoln's Inn, that defect is cured by Mr. Lane's book, which identifies the fine with the estate and with the parties, and de-

* Mr. Lane's book does not state that the property is described parochially in the deed referred to; but it states that Mr. Kingsmill and other benchers took the conveyance of it in 1580 for the Society, and the fine, which was afterwards read in evidence, and was levied in pursuance of this deed, supplies this omission in Mr. Lane's book.

scribes the estate to be "six acres of land, "with the appurtenances, in the parishes of "St. Dunstan-in-the-West, London, St. An-"drew in Holborn, and St. Giles-in-the-"Fields."

Mr. Scarlett then proceeded to observe, that non-payment of poor-rate was no ground in law for exemption; for that no one could prescribe against an Act of Parliament, or against the payment of tithe. He also observed, that although one or two instances of double fees, taken on burials from the inn by the sexton of St. Andrew's parish, had been proved, still the jury would bear in mind that the inn, being, in fact, in no less than four parishes, the representatives of persons dying in those parts, situate in either of those parishes, would be chargeable with double fees, and as to that fact, the sexton took the mere statement of the undertaker; but no instance had been proved of double fees taken for an interment from the stone buildings, which was the immediate part of the inn in question.

The learned counsel then proceeded to de-

scribe the course taken by the perambulators, observing, that this is not a perambulation of the external limits of a parish, embracing within it a particular district; but it includes this particular corner of the parish, unnecessarily, if it were extra-parochial; for in that case, the real limits of the parish would be the north and east boundary of the inn.

The ground plot of the inn will shew the boundary line of the several parishes, and consequently the course of perambulation of each.

The treat given to the children on this occasion in the hall was, doubtless, gratuitous, on the part of the society; but it is to be observed, that their gratuity did not extend to the perambulators of the other parishes, evidently, because they came upon a very small outlying part of the inn, and did not include the hall and chapel, which must be considered the principal parts of the inn. Nor is it probable, that the service performed on this occasion by the clergy of St. Andrew's, in Lincoln's Inn chapel, could have been a mere compliment, as pretended by the society,

and the witnesses say it was always done as matter of right.*

The learned counsel then proceeded to observe, that the parochial searchers of the dead of St. Andrew's always entered and exercised their office in that part of the inn which is within the parish; and he added, that there were not merely a vast number of entries in the burial register of St. Andrew's, of persons buried there from Lincoln's Inn, but from the time of Elizabeth; that there were many ancient registrations there of persons who died and were buried in Lincoln's Inn, and who, having died there, were carried into the country to be buried; for which there could be no pretence, unless such persons were treated as parishioners, from their so residing in Lincoln's Inn.

The learned counsel commented on the conduct of the society in not producing their title deeds. These deeds would, in all proba-

* This token of subordination of the chapel to St. Andrew's parish was, in all probability, reserved by the deed of consecration, for the very purpose of keeping in mind the fact, that it was within the parish. The loss of this deed, therefore, by the society, has been a fortunate accident for them.

bility, shew, whether the estate ever belonged to the Black Friars; a fact they endeavoured to establish, not by the direct means of their own title deeds, but by the production, from a public repository, of a conveyance from these Friars to Lord Lincoln, and by the arms, supposed to be of that nobleman, over their gate.

The perambulation was then proved by a number of witnesses, and the clergy of St. Andrews also proved reading prayers in the chapel of Lincoln's Inn, on that occasion, as a matter of right. Refreshments were usually given by the society, in their hall, to the perambulators. The perambulation of St. Giles, and of the Liberty of the Rolls were also proved.

Mr. Scarlett proposed to read some passages from Mr. Lane's book, which being objected, to, and the objections argued by the Attorney-general, Mr. Justice Littledale decided in these words—"It appears that the defendant and "the benchers of Lincoln's Inn are to be con- "sidered the same as defending this cause— "they authorise Mr. Lane to publish this book,

" and they submit it to Mr. Dayrell; I must " own, I think little attention is due to the " book, though he may say it is taken from " the records of the society, and Dugdale. He " said, at one time, it was partly from his own " notions. I do not think it can be consi- " dered as authentic—he says, he never saw " this deed—he has seen a deed, but I think " certainly the book is evidence, though not " entitled, in my opinion, to much attention." The passage was then read, which stated that the property was conveyed to Richard Kingsmill, and others, in 1580, as introductory to the fine of that date, which was then put in and read, and which described the estate in the three parishes as before stated.

The learned Judge observed that this fine contains two messuages and six acres of land, described as in three parishes, (St. Andrew, St. Dunstan, and St. Giles,) and afterwards the description occurs again in only two parishes (St. Andrew and St. Dunstan). There was no necessity to repeat these two parishes over again, unless they were separate premises.

Mr. Scarlett observed, that this was the

only spot in which these three parishes meet, and the only spot therefore to which this description could apply. Serle's Court, formerly in the parish of St. Clement, was not purchased by the society till many years afterwards.*

Various extracts from the burial register of St. Andrew's, from the year 1565, of persons buried from the Inn, of others buried in the Inn; and of others who died in the Inn, and were carried away to be buried, were then put in and read.

The searcher of the bodies of the dead appointed by the rector of St. Andrew's parish had always been in the habit of inspecting the deceased who died in Lincoln's Inn, and it appeared that when a body is buried in any parish in London from another parish, the searchers give a certificate, which is transmitted to the parish clerk's hall; and without which no funeral is permitted.

* St. Andrew's and St. Dunstan's parishes are partly in the city and partly in the county. The three parishes are, therefore, first said to be in the county, and two of them in the second count as it were of the fine, are afterwards said to be in the city.

The admission as to the formal sufficiency of the trespass was then read, which closed the defendant's case.

In summing up, the learned judge referred to the point of law which had been put to him in the course of the cause, namely, whether, if the Inn were part and parcel of the parish, the non-payment of poor-rate to this period would constitute a defence, and stated, that if once established to be part and parcel of the parish, it was not necessary that any poor-rate should ever have been paid before; that this, therefore, was entirely a question of fact and boundary, whether this place be part and parcel of the parish; if so, no omission on the part of the parish officers in supporting their rights will be of any effect, and on the other hand, if there was an early period in which it was no part of the parish, no subsequent enforcement of rates would make it so.

The learned judge then recapitulated the whole of the evidence on both sides, and the jury, after consulting for about five minutes, returned a verdict for the defendant.

Court of King's Bench, Hilary Term, 1825.

COOKE, Esquire, *v.* BANKS, in Trespass.

LINCOLN'S INN.

Motion for a New Trial.

In Hilary Term, 1825, the Attorney-general moved for a rule to shew cause why the verdict found for the defendant in this cause should not be set aside, and a new trial be had principally on the ground that Mr. Lane's book ought not to have been received in evidence, and also upon this point of law, viz. that admitting the land to be parcel of the parish, it might have been exempt from all ecclesiastical jurisdiction, at and before the passing of the statute of Elizabeth, and as the churchwardens would, in that case, have no jurisdiction within the estate, it was not brought within the provisions of that statute. The importance of the case was also suggested as a ground for a new trial.

The Court granted a rule to shew cause, observing, "We do not grant this rule on any "particular point."

In the Easter Term following, the rule came on for argument, when the Attorney-general contended on the point of admissibility of Mr. Lane's book, that although the manuscript which Mr. Lane submitted to Mr. Darrell, and which that gentleman as a bencher sanctioned, might have been evidence, a printed copy of it could not be, and that the copy put in evidence, not being the first edition, was still another remove from the manuscript, and was therefore the less admissible. But the main point which was relied upon was argued by Mr. Nolan at very great length.* This was, that Lincoln's Inn chapel was a parochial collegiate chapel, which might be within the ambit of St. Andrew's parish, but that the inn was a parochial chapelry perfectly independent of that parish.

* Mr. Nolan was complimented for the very elaborate and able manner in which he argued this point. The details of this argument we omit here, because whatever weight it might have had in inducing the Court to grant a new trial, the point of distinct parochiality was abandoned on the second trial.

The argument concluded by the following colloquy:—

Lord Chief Justice *Abbott*.—On some terms certainly the court will think there should be a new trial, at present we are of opinion there should be a new trial, the costs of the former trial abiding the event of that trial; that is what we would propose now.

Mr. *Coleridge*.—After what your lordship has now said, perhaps it would not be proper for me to go into the general question.

Lord C. J. *Abbott*.—When so strong an intimation has been given by all the learned judges, that this is a matter of so much importance that the parties ought not to be concluded without a reconsideration, the bar will use their own discretion, whether after that they should go further.

Mr. *Coleridge*.—I do not mean after that

The parish was put to very considerable expense in preparing ancient documentary evidence to prove that, which it was supposed was to be the only question for trial, namely, that suggested by this argument of an independent chapelry; but that question was almost altogether suppressed by the society on such second trial.

intimation to trouble the Court further than as to the terms on which a new trial should be granted, in doing that I trust I may be permitted to advert to the circumstances of the case.

Lord C. J. *Abbott*.—By all means.

Mr. *Coleridge*.—So far as to shew that some further terms ought to be imposed upon the party, and that we ought at all events to have the costs of the former trial. Your lordship will allow me to direct your attention to the circumstances under which this action was brought; it was brought avowedly by a society of the law.

Lord C. J. *Abbott*.—Against a parish, one society against another, not a society against an individual.

Mr. *Coleridge*.—It cannot be said either that they wanted legal information, or that they wanted time in this case fully to prepare themselves; they came to the trial to make the point of non-parochiality; that was the whole struggle at the trial; upon that point they were beaten, then they came here to put it on a totally distinct ground. I

understood the Attorney-general contended at the trial, that though within the local ambit, it formed no part of the parish; on the motion he admitted, it was parcel of the parish. Then where has been the fault in the party? On which side has the fault been? The defendants were bound to proceed on the ground upon which they put the case; they obscure all the right as far as they can, and when they find that, in spite of that obscurity, the jury have come to a conclusion on the fact, then they state this exceedingly doubtful point of law. Under these circumstances I trust your lordship will call upon them, either to give us the benefit of these deeds to which reference has been made—to let us see those deeds—or will you give us the costs of the new trial on going down again? It would be exceedingly hard that we should be dragged, I may say, by this resistance on a false point, under the peculiar circumstances of the case.

Lord C. J. *Abbott*.—I do not think those who seek to disturb that which has existed for five hundred years have any grounds to

of the Holborn Division, directing him to give notice to the church-wardens of the number of men that were to be raised within St. Andrew Holborn, among other places. These were men to be raised as volunteers for the navy. In consequence of that precept to Wild, the high constable, he seems to have made this precept to the officers of the parish, and then the officers of the parish make a return, signed by all of them, in which they insert that the Society of Lincoln's Inn has paid them £28 bounty-money, for the use of William Wilson and Daniel Raycroft, volunteers, to serve in the Navy of Great Britain, for the said Society, and they date this the 6th of May, 1795—"Return made "by the Churchwardens and Overseers of "the Poor of the United Parishes of St. An- "drew Holborn, above the Bars, and St. "George the Martyr, in the County of Mid- "dlesex, of persons enrolled as volunteers to "serve in his Majesty's navy, for the extra- "parochial place called Lincoln's Inn, within "Holborn Division, in the said County of "Middlesex, under an act intituled, 'An Act

" 'for raising a certain number of men in the " 'several counties in England for the service " 'of His Majesty's Navy, which said extra- " 'parochial place has been added to the said " 'parishes for the purposes of the said act.' " Then they set forth the names of two persons and the place of their residence, and this document certifies that those two persons are to serve for the extra-parochial place called Lincoln's Inn. It is signed by both churchwardens and four overseers, and it is certainly a very strong piece of evidence to shew that the officers of the parish did not consider Lincoln's Inn as any part of the parish. It is said that one of those churchwardens who signed the return was the surveyor of the inn. It is not proved distinctly that he was so at that time, but it seems to me too much to suppose that a person, because he was a surveyor of the inn, could prevail upon five of his brother officers to return an opinion contrary to what they believed to be the truth. This takes place in the year 1795; then in the year 1796 there comes another order to Wild for another levy, and they do not now

go to the parish of St. Andrew, Holborn, who had before certified that Lincoln's Inn was extra-parochial, but that is served upon the members of the inn, and the inn never make their own separate return of those two persons. That applies to this Act for raising volunteers for the navy.

Then they read extracts from the marriage register of Lincoln's Inn, to shew that persons were married there, and some of them persons not belonging to the inn. You know that before the marriage-act passed it was lawful for persons to be married in any church or chapel that they might think fit; some of the extracts were read, beginning with the year 1696, and going down to the year 1754, which was the date when the marriage-act passed. That proves the fact of marriages having been from time to time celebrated there till that period.

Then they further put in some extracts from the register of marriages in the parish of St. Andrew, Holborn. The force of the observation that was made upon that depends upon this, that you will find many entries of

marriages, where the husband is styled as of "Lincoln's Inn, in the county of Middlesex," and the woman as of "this parish," namely, the parish of St. Andrew, Holborn, The first is "of Lincoln's Inn," said to be in the county of Middlesex. The next is "of Lincoln's Inn," not said to be "in the county of Middlesex." The next which was read, in 1681, is "of Lincoln's Inn," not said to be "in the "county of Middlesex." The next is of 1713, "of Lincoln's Inn," not said to be "in the county of Middlesex." The next is of 1730, that is "of Lincoln's Inn," said to be "in the "county of Middlesex;" and all the others which were read afterwards, of which there were six or seven, I believe all mention Lincoln's Inn as being in the county of Middlesex.

Then it appears, by the evidence adduced on the other side, that there are entries of persons married in the parish, where the husband is described as "of Middle Row," or "Gray's Inn Lane," and the woman is described as "of this parish." That is, the husband is described as of a place which is

notoriously part of the parish, and the woman is described merely as living in the parish; but it is said in answer to that, that you never find that part of the parish in which the husband is described to live, mentioned in the way that Lincoln's Inn is mentioned in most of these entries, namely, as being in the county of Middlesex.

Then the last document that was put in, was an order of sessions upon Mr. Serjeant Hill's Appeal. I am not aware that there was any other written document on your part, Mr. Solicitor-General.

Mr. Solicitor-General.—I am not aware of any other.

Lord Tenterden.—Then the evidence stands thus:—This district has never paid to the poor-rate, and it has never paid to the church-rate. As to other rates, which are not parochial, but which are usually collected within the parish, such as the land-tax, the assessed taxes, the militia, and the enrolment of volunteers for the army and navy, in all these this part of Lincoln's Inn is treated as a separate district, and not treated as any part of

the parish of St. Andrew. It stands, therefore, that as far back as living memory can go, down to the time when this rate was imposed, this part of Lincoln's Inn never contributed to the charges of the parish, and never brought any charge upon the parish.

Then, on behalf of the defendant, Mr. Griffith was called, who says, that he has examined the taxation of Pope Nicholas, and that Lincoln's Inn is not mentioned in it—the church of St. Andrew's is. In the time of Pope Nicholas there was a taxation of all the benefices in England, and you do not find the chapel of Lincoln's Inn mentioned, nor could you, according to the evidence we now have, for it was not a benefice to any body. The preacher was appointed by the benchers, and paid by them. But you do find the church of St. Andrew's, Holborn.

It appears also, that in the Valor Ecclesiasticus, which was taken in the time of Henry the 8th, the chapel of Lincoln's Inn was not mentioned: that contains an account of the Bishopric of Chichester, and the revenues of that bishopric, and its property wherever

situated; and there, among the revenue and property of the Bishop of Chichester, there is mentioned: "London: Rent payable by the "Society of Lincoln's Inn, for their Inn, "£6. 13*s*. 4*d*.; part of garden tenements in "Chancery Lane, 53*s*. 4*d*.; which added to-"gether make £9. 6*s*. 8*d*." That is prior to the time of the conveyance which is afterwards put in; so that if the plaintiffs are right in their hypothesis, that this ancient part of Lincoln's Inn is that which was granted to the Earl of Lincoln, in the time of Edward I., it must have found its way to the Bishop of Chichester, and become parcel of the possessions of that bishop; and it must again have found its way from the Bishop of Chichester into private hands. At present no rent is paid. It clearly does not now belong to the Bishop of Chichester.

Then they read an extract of a deed, of the 8th of November, in the 27th of Elizabeth, and another deed of the 12th of November, in the same year, the year 1580, which are conveyances by a gentleman of the name of Sulyard, to Kyngswyll and others—

that is, to the persons who are mentioned in the ancient deed; and they read it principally, I think, for the sake of the description of the property in it. It is a conveyance of "all that messuage, commonly called Lin-"coln's Inn, situate near Chancery Lane, in "the suburbs of the City of London, and all "buildings, yards, and cartilages, void rooms, "courts and gardens to the said messuage, "belonging, or in any wise appertaining "with one way in, by, and through the gate, "commonly called the Field Gate, over "against part of the house belonging to the "Rolls, and leading from the said Lane, "called Chancery Lane, into the field, called "Fykett's Field, and so directly over the said "field, into the said messuage or tenement, "and also all other the houses, buildings, "lands, tenements, and hereditaments what-"soever, which at any time were either Wil-"liam Sulyard's, Knight, deceased, uncle to "the said Edward, Eustace Sulyard's, Esquire, "father of the said Edward, or the said Ed-"ward's, and used or occupied to or with the "same messuage, or any other part or parcel

" thereof, situate, lying, or being, in the pa-
" rish of St. Dunstan in the West, St. An-
" drew's in Holborn, and St. Gyles' in the
" Fields, or either or any of them." The force of this evidence is, that here is a conveyance to the benchers of Lincoln's Inn of this property, described as situate in these three parishes, or any of them; and by and by, when you come to the evidence of the perambulations, you find that the perambulations of those parishes included some part of the present property of the inn. Then there was a fine, levied by Sulyard and his wife, in which the description is very much the same.

Then they read extracts from the register of marriages of St. Andrew's, Holborn. One is in 1701—" Thomas Henning, of Gray's
" Inn Lane, and Jane Waley, of this parish." That was for the purpose of shewing that at the same time, a person is described as being in some particular part of the parish, and the woman generally of the parish. " William
" Pendred, of Saffron Hill, and Mary South-
" well, of this parish—Caleb Selby, Middle
" Row, Holborn, and Margaret Else, of this

" parish—John Rayner, of Saffron Hill, and " Sarah Shew, of this parish." Two of these entries are in 1701, one in 1702, and two in 1704. I have already made such observations upon them as occur to me.

Then they read extracts from the register of burials, from the year 1564 down to the year 1820, in which there are entries of a great many persons buried in the parish of St. Andrew Holborn, who are described as of Lincoln's Inn. It is said that the burying place at Lincoln's Inn being exceedingly small, it would be natural that persons who died there should be taken into the adjoining parish, that in that way you can account for their being taken into that parish, without concluding that they had any right of sepulture in that parish. It happens that in modern times, since the population has increased so much in this metropolis and its neighbourhood, there is more attention paid to the subject, in order to see whether the persons for whom sepulture is claimed in the parish, are persons who have a right to sepulture in the parish; but in former times, when there was

abundance of burial ground, much less attention was paid to that; and you know that in country places, where there is plenty of burial ground, they are often buried in other parishes.

Then they call Jane Perry, who is now sexton, and has been so for fifteen years—her husband was sexton, and his father before. She says there are two rates, one for parishioners, and the other for non-parishioners. She says, "We generally receive the money "from the undertaker. I believe that several "persons have been brought from Lincoln's "Inn. If they are brought from the Old "Square, they pay only as parishioners, from "the other part they pay as non-parishioners." She says she cannot say how many have come from Stone Buildings. Then she says she remembers a person named Read, who came from Lincoln's Inn Old Square. It appears that in that case double fees were paid; but she explains that, by stating that there was some mistake as to the part from which the person came. She says there have been more, but she cannot recollect their names. She

says, "I always inquire whether it is the part "within our parish, or the part without." From this I infer that persons dying, in what is called the New Square, have been buried at St. Andrew's, Holborn, even within the time that those parts of the New Square have been ascertained to be some of them within the parish of St. Clement Danes, and other parts within the Liberty of the Rolls.

Then Mr. Gilbert Beresford, the rector, says he receives tithes for the City and Liberties of St. Andrew's, Holborn; the tithes were settled by an Act of Parliament some few years ago. Some parts of what he calls the Liberties have never paid any tithes, that is the newer parts. The vestry clerk collected the tithes for him. He says there was an estate left by the will of Mr. Thavie, now producing about £800 a-year. He says there have been church-rates since he was the rector; there were some just before he came, and he presumes there must have been many others; and it is clear that the inhabitants of this part of Lincoln's Inn have never paid to them. He says the Upper

Liberty is subject to Easter Offerings. When he first came to the parish he received tithes from that Liberty; but there have been disputes since. He never received tithes nor Easter Offerings from the inhabitants of Lincoln's Inn.

Then the evidence of the vestry clerk was read from the notes of a former trial, which I think was only to prove some documents. He was vestry clerk, and he produced the books. He said he had received the tithes to be collected for the rector—that no tithes had been received in his time in Featherstone Buildings, Bedford Row, and other places; and that Easter Offerings are paid by all the parish above the Bars; and he said that Lincoln's Inn pays no Easter Offerings to him. Now, as to Easter Offerings, I apprehend that by custom in many parishes a small sum is due to the minister from every householder within the parish. It has been usual for every person, in a certain condition of life, to make a certain payment to the minister. However, an oblation at Easter in many parishes is a right established by cus-

tom and by law, and not merely a voluntary payment. Then Mr. Taylor produces the rates. He says the old part of Lincoln's Inn and Stone Buildings have never paid. He says the directors of the Upper Liberty, and of St. George the Martyr, are the rector, the justices, the churchwardens, and fifty of the parishioners, several of whom are professional men; they are said to be twenty-five gentlemen and twenty-five tradesmen: some of those have chambers in Stone Buildings, but there have never been more than four or five at a time. Surely the influence of those four or five could not be much among forty or fifty.

John Collier, who is the vestry clerk of St. Clement's Danes, says, that some parts of Lincoln's Inn, namely, Numbers 5, 6, 7, 8, 9 and 10, are now rated—there is a dispute as to No. 11—those chambers were first rated in the year 1772, when the dispute arose, and in 1774 the payment was made and the arrears were paid up.

Then William Symon, who was collector of the poor-rates of the Liberty of the Rolls,

says, that he has received poor-rates for some part of the New Square. He first received in 1820. Two years' arrears were paid at that time. Then he says that a Mrs. Anderson has received 2*s*. a week for twenty years. Her husband died in the gateway in Chancery Lane. He, however, had a settlement in the Liberty of the Rolls.

A great deal of stress has been laid upon the fact, that those two parts of the New Square, which are perfectly distinct from that part which is now the subject of our inquiry, were not rated to the poor for many years after valuable buildings had been erected upon them; and the fact seems to be so. How that originated it is difficult to say. Part at least of those buildings appear to have been erected on what was called Fickett's Field. Whether that was a piece of waste ground, of little or no value, when the buildings were first erected upon it, and therefore they did not think of rating them, or whether they supposed, by some mistake, that whatever was part of an inn of court was not liable to be rated, does not appear. We are left in the

dark upon that subject—but it by no means follows that, because those parts of this inn which could shew no ground for their exemption, have, whenever the question was raised, been found subject to the rate, that other parts more ancient, and for which a reasonable ground of exemption can be suggested to you, should therefore be liable to pay rates. As you are aware, the rateability of that part of the New Square, which regards the Liberty of the Rolls, was tried in this place at a very recent time; it is within my own recollection.

Then you have the perambulations of the parish. Now I do not think it is material that I should go over those perambulations in detail. There is no dispute about the fact, that the inhabitants of St. Andrew's, Holborn, do come into Lincoln's Inn, and do embrace within their boundary that part of Lincoln's Inn which is the subject of our present inquiry; that the parish of St. Giles meet them in one part of the garden coming up to the same point; that on the left hand eastward, they are met by the parish of St. Dunstan in the West, and that in another

part they are met by the parish of St. Clement Danes. There have been perambulations by all these parishes, St. Clement Danes, St. Giles, St. Dunstan in the West, and St. Andrew Holborn, embracing, in their perambulations, parts of that ancient site of the ancient part of Lincoln's Inn, which is the subject of our present inquiry. That fact is established beyond contradiction, and a plan has been put in, to which no objection seems to have been made. You have it therefore as a fact, and it is an important fact for your consideration, that this part of the ancient Lincoln's Inn, upon which the Stone Buildings where Mr. Cooke's chambers are, is situated, has been included in the perambulation, made every three years, by the inhabitants of the parish of St. Andrew Holborn. You have it further in proof, that ever since disputes have begun that usage has been discontinued, but that previously to that, when they came to Lincoln's Inn, the clergyman went into the chapel of the inn, and there read some part of the morning service; that then he went into the hall, where some entertainment was

provided for them, and some cakes were thrown out to the boys, who were attending upon that perambulation. You have these facts, and it is urged with great force, by Sir James Scarlett, that it is a very different thing whether the parish perambulated that which lay at their extremity, to bring it within their bounds, or whether, it being entirely surrounded by their parish, they went round it, as they must do in that case. It is said that if it lies at the extremity of the parish, and is not part of the parish, upon the perambulation of the parish, you may turn off as soon as you came to it. So that the effect of these perambulations is to shew that this place is locally situate within the parish of St. Andrew Holborn, speaking of the parish generally; and it is very strongly urged on behalf of the defendants, that on this ground you should find that this part of Lincoln's Inn is part of the parish of St. Andrew Holborn. I own, it appears to me, that such a finding will by no means conclude this dispute, nor has probably any bearing upon it. If the whole parish of St. Andrew Holborn

was comprised in one district, and had only one rate for the whole, the finding that any particular land or building was part and parcel of that parish, would be very important in deciding the question, whether it should be rated; but in this parish the rate is not made for the whole parish; there are, as I told you, three separate districts. Now, it cannot be said, that because any part of this parish is part and parcel of the parish, therefore it is rateable to any one district. Saffron Hill cannot be rated to Holborn below the Bars, or to Holborn above the Bars. Holborn above the Bars cannot be rated to Saffron Hill, or Holborn below the Bars: therefore its being part and parcel of the parish does by no means decide the question. It seems to me that the proper question which I should leave to you is this, whether this part of Lincoln's Inn is a separate district, from time immemorial, in respect of the authority of the churchwardens and the ecclesiastical jurisdiction of the parish; or whether it is part and parcel of that district, called the Liberty of St. Andrew, Holborn, above the Bars, for

which the rate is made; for if it is not part and parcel of that district, this rate cannot be a good one. I will repeat it again to you, not merely to call it to your consideration, but also that the learned counsel may be satisfied, that if there be any error on my part it may be corrected without difficulty. The question is, whether this ancient part of Lincoln's Inn is a separate district, from time immemorial, from the authority of the churchwardens and the ecclesiastical jurisdiction of the parish, or whether it is part and parcel of that district, called the Liberty above the Bars; and if you are of opinion that it is a separate district, from time immemorial, from the authority of the churchwardens and the ecclesiastical jurisdiction of the parish, if that be your opinion of the fact, then I tell you in point of law your verdict must be for the plaintiff. If, on the other hand, you find that this part of Lincoln's Inn is part and parcel of that district, called the Liberty above the Bars, then I tell you again, in point of law, according to that opinion your verdict ought to be for the defendant. You will then consider between

yourselves that question which I have thought is the proper question to be submitted to your consideration. And in considering this question, let me only beg of you to take care that the verdict you give shall be the result of your own judgment and your own conscience, not influenced by any thing you may have heard, as being said or done by other persons, either sitting where you sit, or sitting where I do.

A Juryman.—Will your Lordship allow me to ask, whether the disputed district was conveyed by the deed of Queen Elizabeth's time?

Lord Tenterden.—Yes, I take it so certainly.

A verdict was again found for the defendant.

Court of King's Bench, 7th December, 1830.

BEFORE

THE RIGHT HON. THE LORD CHIEF JUSTICE.

SELBY *v.* BARDONS, in Trespass.

GRAY'S INN.

The Declaration was opened by Mr. Serjeant Russell.

Mr. Campbell appeared for the plaintiff, and stated to the jury, that they were impannelled to try the same difficult question that was submitted to a jury in 1774, which jury then found a verdict in favour of those he represented, and which verdict had been acquiesced in ever since.* This question was; "Whether that district, now called Gray's "Inn, is bound to maintain its poor along "with part of the parish of St. Andrew

* How far this question was really submitted to the jury in 1774, has been already stated. See p. 121.

" Holborn, or whether it is not at liberty to " do as it has done formerly, to maintain its " poor as an independent and separate dis- " trict;" for he claimed no exemption for his clients—but he should be able to prove that the ancient site of Gray's Inn, from the earliest times, has been a separate district, wholly independent of the parish.

He then particularized the three known divisions of the parish, and stated that the parish of St. George had been taken out of it; that there are two districts surrounded by the parish, but which are allowed to be extra-parochial, namely, Thavey's Inn and Ely Place. Gray's Inn, he contended, was another extra-parochial district, similar to Thavey's Inn and Ely Place.

Gray's Inn had never been rated, and he should shew that this district was formerly called the Manor of Portpool, separated from the parish of St. Andrew—that it belonged to the Dean and Chapter of St. Paul's, who retained the seigneury after they sold it to the family of Lord Grey. He did not claim any thing as personal in his clients, but he

claimed the exception in question for the estate, and the jury would remember that there were not less than two hundred extra-parochial places in different parts of England.

He should shew by the Quo Warranto rolls, in the 22d of Edward I., that this property belonged to the Dean and Chapter of St. Paul's, and that they held manorial rights, a leet, &c. at Chiswick, and a number of other places, including Portpool. He should then shew, by an inquisition of the 1st of Edward II., that Reginald Grey died seised of this property by feoffment from the Dean and Chapter.

That this was an ancient vill would appear by some important criminal proceedings in the time of Edward I.

There always was a chapel in Gray's Inn, which he should shew by an inquisition, in the 8th of Edward II.: persons therefore living in Gray's Inn had no occasion to resort to the church of St. Andrew, or to serve under the jurisdiction of churchwardens, or any ecclesiastical authorities belonging to that

parish. He should shew that a chantry was endowed in that chapel, and the inquisition which authorised this endowment, stated that the premises which were then given to St. Bartholomew's Hospital, were situated in Kentish Town, which is stated to be in the parish of St. Andrew Holborn.* This document would prove the foundation of the chantry, and shew that, from time immemorial, there had been a chapel in the manor of Portpool. There could be no doubt that all persons living in this district of Portpool attended divine service in this chapel.

The learned gentleman then enumerated the several inquisitions, from the time of John de Gray to the reign of Henry VII., which identified the inn with the manor of Portpool, all which records described the property not as being in the parish of St. Andrew Holborn, or in any parish, but merely in the county of Middlesex. He proposed to shew, by an order of the Court of Augmentations, that on the dissolution of St. Bartholomew, when the chantry property came to the

* See p. 87.

Crown, a sum of £6. 13*s.* 4*d.* per annum was paid from the Exchequer to the Society of Gray's Inn, as a salary for the preacher in their chapel, and he had only then to establish that this manor, this vill, this chapel, has come down to his clients the benchers.

For this purpose it might not be necessary to trace the whole of the title, and he should therefore only read a feoffment, in 1687, conveying this property from surviving trustees to new trustees, and another in 1708, of the like effect, neither of which contained any parochial addition to the estate, though the latter included some property purchased by the Society and annexed to their old estate, which property he admitted to be in the parish, and to have paid rates.

This chapel could not be a private chapel. It is an endowed ecclesiastical establishment, of immemorial existence, where all the sacraments of the church have been celebrated, marriages, baptisms, and the sacrament of the Lord's Supper; it therefore must be considered as a public ecclesiastical chapel.*

* There is no reason to suppose that any burial ever took place in or near this chapel.

There is no instance to be found of any pauper having gained a settlement in St. Andrew's parish by residence in Gray's Inn, which society have always maintained their own poor.* No resident of the inn ever served a parochial office in St. Andrew's. No commissioner, under the St. Andrew's parish private acts, have ever been chosen from Gray's Inn. This is a large district, but no parochial rates have ever been paid by the inn for poor, church, watching, lighting, paving, &c. Tithes have never been paid to the rector of St. Andrew's for this large district. Mortuary fees have never been paid to the rector, but they are paid to the preacher of this chapel, who has that fee regularly and duly as a perquisite of his office. Double burial fees have been taken for all funerals from Gray's Inn, as for strangers, at the church of St. Andrew's. In marriages from Gray's Inn the gentlemen have always been described as of Gray's Inn, in the County of Middlesex, without any parochial addition. The land-tax is taken separately for the inn, and is not included in the

* That is since 1774; but see p. 119.

return of the parish of St. Andrew's—nor was it included in the return of that parish for men to serve in the navy in the late war—nor in the militia returns—nor in the county rate.

There is a court leet for St. Andrew's parish,* which has never exercised any jurisdiction within the inn, and it would appear by the standing orders of the governors and directors of the poor and watch of this parish, that they themselves acknowledged the inn to be extra-parochial, and forbade their watchmen to intrude on this district; and, in fact, at all times, from the year 1774, when the attempt to rate the inn was made and failed, down to the present time, the parishioners have given judgment against themselves, and treated Gray's Inn as extra-parochial.

What sort of case the parish would make he could not anticipate. Perhaps some perambulations into the inn might be talked of.

* The learned gentleman must have been misinstructed on this point. There is no court leet for St. Andrew's parish. There is one for the county part of the parish, *i. e.* for the manor or district of Portpool; and there is a separate inquest for the City Liberty.

These had ceased since the year 1774, and all such evidence was before the former jury,* and was totally disregarded by them. It might be shewn that rates were paid for some parts of the inn, but this was the strength of his (Mr. Campbell's) case, for it shews that the parish insisted on their rights whenever they could succeed, and therefore that they had no right as to other parts of the inn. Some deeds might be produced, describing the inn as in the parish, and so it was in one sense of the word; it is within the ambit of the parish, but is no part of it. All the deeds produced in the Thavey's Inn case described it to be in the parish, but they did not avail, and this was nothing compared with the strong body of evidence he should adduce. The learned gentleman concluded, by again reminding the jury that all this evidence on the part of the parish was before the jury in 1774, who totally disregarded it.†

* This is assumed, and is totally contradicted by the parish books.

† That the verdict on this occasion was founded on the dictum of the judge, without going into any evidence beyond that of the modern usage of non-rating, has been before re-

Plaintiff's Evidence.

The trespass and the rating were admitted, but there being a plea of non cepit, the taking the goods was proved.

Mr. Illingworth produced an extract from the Quo Warranto Rolls of the 22d of Edward I.

An extract from the Placita Coronæ in the 22d of Edward II.

An inquisition, post mortem, in the 1st of Edward II.

License from the patent roll of the same date.

An inquisition of the 44th of Edward III., on the death of Reginald de Grey.

An inquisition of the 19th of Richard II., on the death of Sir Henry Grey.

A writ of the 3rd of Henry V.

peatedly observed, and it is much to be regretted, with reference to a satisfactory determination of this case, that a statement, which was a mere gratuitous assumption, should have been impressed on the minds of the jury, especially when it was known, though it could not be legally proved, (the books being inadmissible evidence for the parish,) that this statement was by no means warranted by the facts.

An inquisition of the 20th of Henry VI., on the death of Sir Richard Grey, Knt.

A deed poll of the 22d of Henry VII.

Decree of the Court of Augmentation of the 32d of Henry VIII.*

Feoffment 3d of James II.

Feoffment 6th of Queen Anne.

The return to an order of justices in 1795, to levy men for the navy, with a separate return for the district or place of Gray's Inn, was read; also the return for the county-rate for Gray's Inn, as a distinct place, together with the appointment of a collector, by the magistrate of the county for the inns of court and other extra-parochial places.

Jacob Willan had been several years in the confidential service of Mr. Montague Ainsley, a bencher of Gray's Inn, in the inn. Mr. Ainslie never paid parochial rates; the assessed taxes for the inn were assessed by the benchers themselves; Mr. Ainslie was never called upon to serve any office in St. Andrew's parish; witness was collector of the property-tax

* All these documents are referred to in the former pages of this volume, and extracts from them are appended.

for the inn; Mr. Ainslie was appointed dean of the chapel by the benchers; witness was puisne butler; the parochial authorities never interfered in the affairs of the chapel; the preachers were appointed by the bench; the sacrament was regularly administered there; the sacrament money was given by the benchers to the poor; has known two foundlings in the inn christened in the chapel, and now supported by the honourable society; there is a chapel-clerk and bell-ringer; the society watch, cleanse, and light the inn themselves.

On his cross examination the witness stated, Mr. Ainslie had a residence in the county; he never knew him serve a parochial office there, or knew a barrister called upon to do so. Mr. Ainslie had chambers in Lincoln's Inn, and was never called upon there. He never knew a person claim a settlement in St. Andrew's from having lived in Gray's Inn.

Charles Cockell was scavenger to the inn, independent of the parish, and had been constable for the inn.

William Parton was head porter of the inn,

and confirmed the evidence of nonpayment of parochial rates; he also had been constable for the inn, had summoned coroners' juries in cases of inquests in the inn exclusively; he paid double fees at the funeral of his wife in St. Andrew's church. It is part of his duty, on occasion of any death in the inn, to demand a fee of 6*s*. 8*d*. for the reader of the chapel, 3*s*. 6*d*. for the head porter, and 2*s*. 6*d*. for the bell-toller, which has always been paid.

The Rev. Mr. Chaplin, the reader of the chapel, was appointed by the benchers, and has baptised two foundlings in the inn; the sacrament is administered periodically in the chapel; he receives a fee, he considers a mortuary fee, on any death in the inn. There are registers of marriages back to 1695, and of baptisms to 1757. The reader has no institution or induction; there is no burial-ground or vault in the inn.

Four other instances of double funeral fees were proved by other witnesses, as paid to St. Andrew's parish for funerals from the inn.

Other witnesses, not of the profession, had

lived many years in the inn, and never paid parochial rates.

Mr. Flaver and Mr. Mansfield had both served parochial offices for St. Andrew's, and during their official times, they understood and considered that Gray's Inn was extra-parochial. Mr. Mansfield proved that there was a Court Leet for the Upper Liberty of St. Andrew's parish, including the united parish of St. George, Queen Square, and he never knew any one summoned there from Gray's Inn. On cross-examination Mr. Mansfield stated that he had been churchwarden of St. Andrew's parish, and that his son was so at present, and that such churchwarden for the Upper Liberty was, in other words, churchwarden for the precinct of Portpool.

Mr. Page occupied the Gray's Inn Coffee-house which belongs to the society; a part of it was used as chambers; he paid rates to the parish for the coffee-house, but deducted the value of the chambers, not conceiving them liable.

Mr. Taylor proved the rules and orders of the governors and directors of the poor, dated

about eighteen years ago, and under the head of Duties of the Night Beadle, was this entry: "It is ordered that he do not take charge "of any prisoner or other persons who may "be brought to the watch-house by any of "the police officers, that being an especial "care belonging to their duty; nor from the "Courts of Gray's Inn, being extra-parochial, "and not within the jurisdiction of these "parishes."*

On cross-examination Mr. Taylor stated, that although it was the opinion in the parish when these orders were made, that Gray's Inn was extra-parochial, yet that on the subject being investigated since, a different notion prevailed. Lincoln's Inn was also supposed at that time to be extra-parochial, but now pays rates, the parish having had three verdicts against the society, on the point of extra-parochiality.

The record of a verdict in Collingwood *v.* Lowe in 1774, in an action of replevin, with a verdict for the plaintiff, was then read, which closed the plaintiff's case.

* The verdict of 1774 declared it to be so.

Defendant's Case.

On behalf of the defendant, Sir James Scarlett observed, that however comparatively unimportant, with reference to amount, the burthen of the poor-laws might have been in early time after their enactment, the very onerous character they had now attained rendered it necessary, in modern times, to look with more sharpness after the contributory funds, in ease of those who were already so much oppressed; and he thought it but justice, at least, that an affluent society, deriving many thousands a-year from their rents in the metropolis, should share the burthens, their oppressed fellow subjects were obliged to bear, unless they could demonstrate, by most incontrovertible evidence, that they were not bound to do so. Sir James then referred to several cases of different species of property made liable to these rates, for the first time, long after the statute of Elizabeth, to shew that previous nonpayment by the society was, of itself, no reason why they should not pay now.

He admitted, that since the verdict of 1774, a general notion had prevailed in the parish, that Gray's Inn was extra-parochial, and how could it be otherwise? extra-parochiality was the only ground of exemption, and that verdict declared the inn exempt, but the circumstances of that verdict were not before the jury—how far the facts were then investigated did not appear.*

Sir James was of opinion, that for many years after the statute of Elizabeth, all the ecclesiastical and legal societies had either the interest or the influence to protect themselves from new incumbrances; that this was so with regard to the new square in Lincoln's Inn, was clear, for the society resisted the payment of poor-rates for this part of their property, which they did not become possessed of till about the time of Queen Anne, for more than a century. An attempt was made to rate it to the parish of St. Dunstan,

* Sir James Scarlett was not in a situation at that time to prove that only one witness, and that as to the fact of non-payment only, was examined, on the trial of Dowson *v.* Lowe, the entries in the parish books not being admissible evidence.

in 1774, and the inn then succeeded in resisting it, and continued to do so till the year 1820, when the question was tried again, and a verdict was found for the parish, although evidence in that case, as in this, was given of a former verdict in favour of the inn.

The first documentary evidence given by the inn was, that in the time of Edward the First, the canons of St. Paul had a leet and certain liberties in Chiswick, Sutton, Wilsden, and many other places, including Portpool Soke, and the inference was to be drawn therefrom that Portpool Soke was extra-parochial—but why not draw the same inference as to the other places mentioned? Chiswick, Sutton, Wilsden, Islington, Shoreditch, Stoke Newington, Kentish Town, Drayton, and Fynesbury, all belonged to the canons who had the like liberties in all, but none of these places pretended to extra-parochiality; and if Portpool Soke be extra-parochial, what does it consist of? Their own witness, Mr. Mansfield, has proved that it includes the whole upper liberty of the parish of St. Andrew, together with the parish of St. George, which

was formerly a portion of this liberty. It is proved that one of the churchwardens of St. Andrew's, is warden for this soke, or peculiar of Portpool, comprehending not Gray's Inn alone, but all the county part of the parish.

Inquisitions and other documents which mention the manor of Portpool, without any parochial addition, were read, to raise the inference that therefore the manor was extra-parochial; but the truth was, records of those dates did not usually contain a parochial description, and many other places, as well as those before mentioned, were spoken of in these documents, without a parochial addition—if the inference, therefore, was just as to one, it would be as to all.

With respect to the chapel, it has no pretence to the character of an ecclesiastical chapel; it was the private chapel of Lord Gray, who in common with other noblemen, had a private chapel in his residence, and John de Grey who died since the time of legal memory, had, by means of the regular clergy of St. Bartholomew's Priory, provided that mass should be sung for his soul in his

own chapel; it would have been needless to have conveyed the chantry estate to St. Bartholomew's, if his own chaplain had been an endowed clergyman, but this not being the case, Lord Grey could attain his object only by the trusteeship of St. Bartholomew, or of some ecclesiastical corporation, sole or aggregate. There has never been any burying in this chapel, and the supposed mortuary fee is a mere sort of private tax imposed by the society on its own members.

It was a perfect hyper-criticism in his learned friend, to say that all the land, mentioned in the licence to John de Grey to convey such land to St. Bartholomew, was in Kentish Town; part of it might be, but the bulk was in St. Andrew's parish.

Now the deeds and documents read by his learned friend, certainly did not describe the property in the parish, but he had before observed that no inference was to be drawn therefrom that the estate was extra-parochial; —but did any of them state the fact that it was extra-parochial? and is it probable that a right so valuable would not have been

noticed if it had existed? He, Sir James, should follow up his learned friend's title, and shew many deeds and documents which did describe it in the parish, by the name too of the manor of Portpool. Now the manor meant something more than the mere land; it extended all over the county part of the parish, and it never could be said that all this was extra-parochial: this description, therefore, must not merely signify a local situation within the parish, but must mean also part of the parish. Mr. Campbell had jumped from the time of Henry the Seventh, to that of James the Second, keeping back all the intermediate deeds in his possession, because they all described the property parochially.

Sir James would be able to prove that before the verdict, in 1774, (since which time doubtless the inn had been commonly, but not universally, considered extra-parochial,) the parish perambulators were in the habit of entering Gray's Inn Gate in Holborn, and proceeding to the hall and chapel; they did not merely go round, as in the Thavey's Inn case, but went out of the external boundary

of the parish for no other purpose than to enter the inn. Non-payment of rates, he admitted, was a primâ facie case, but that was to be accounted for on other grounds than those of extra-parochiality, which was the real question at issue.

Mr. Griffith produced a bargain and sale, dated 30th August, in the 22d of Henry the Seventh; Edmund, Lord Grey, to Hugh Denys, Esquire.

A release of the same premises and date, from Lord Grey and his brothers, to the same.

The exemplification of a recovery, in 1586, of the same premises.

A writ of ad quod damnum, in the 7th of King Henry the Eighth, which describes the property to be an escheat to the crown.

A licence in pursuance of such writ.

All which records described the inn as situated in the parish of St. Andrew, Holborn, without the Bars.*

Also a bargain and sale, 15th December, 1653, from the Parliamentary Commissioners

* Extracts from these records are in the Appendix.

to Wollaston, of a set of chambers in the inn, described also to be in the parish.

Witness had searched the several ancient ecclesiastical surveys for a return of Gray's Inn Chapel, as an endowed chapelry, but had found none.

Witness also stated that it was not usual in ancient deeds to find a parochial description, the civil and not the ecclesiastical divisions being generally used. On cross-examination he admitted that he had not met with any ancient deed describing property as extra-parochial.*

Two aged witnesses proved that before 1774 they perambulated the parish, and on those occasions used to go into Gray's Inn, and beat a stone with S.A.H. upon it, at the corner of the hall.

Other witnesses spoke to the same fact.

Lord Tenterden observed, that evidence would leave all Gray's Inn Square out of the parish.

The parochial accounts, back to 1679, were

* The reason of this is doubtless because almost all really extra-parochial lands, being in mortmain, were seldom or never the subject of conveyance.

produced to prove payment, at the several perambulations, of a gratuity to the servants of Gray's Inn.

Mr. Pontifex, the vestry clerk, proved that there were two churchwardens of St. Andrew's, and that one of them was the churchwarden for the precinct of Portpool—he was sworn twice, once before the bishop as churchwarden for the parish generally, and again before the officer of the Dean and Chapter of St. Paul's. He believed that precinct extends over all the county part of the parish. The form of the summons from the Dean and Chapter to the churchwarden of the precinct of Portpool, was put in and read.

Mr. Wright had been foreman of the court leet for the upper liberty of the parish, whose jurisdiction was commensurate with such liberty. The foreman of the jury is appointed by the sheriff of Middlesex.

On cross-examination he knew of no person from Gray's Inn ever having been summoned on that leet.

Mr. Campbell, in reply, insisted that all

the evidence which had been offered on this occasion was before the jury, in 1774, who then decided upon it. This question had been then fully discussed, and ought not again to have been agitated. Verulam Buildings, he said, on the evidence of the witnesses who proved the perambulation, must be extra-parochial, for there was a parish boundary stone against the hall. The perambulations in this case were very different to those in Lincoln's Inn, which is situated at the edge of the parish, and the Lincoln's Inn case was little else than a drawn battle, for there was a compromise between the parties after the last verdict.

It was frequently impossible to ascertain the origin of extra-parochial places, but many were so in right of the church, and according to his view of the present case, the church of St. Paul did originally hold the whole district of Portpool, commensurate with the court leet, as proved, but that they granted a smaller estate, of some thirty acres or so, to the Lords Gray, which estate was, *per excellentiam*, called the manor of Portpool; so there were two manors of that name, the great

and the small, and this would reconcile all the documents.*

With respect to the early documents not describing the property as extra-parochial, a witness on the other side, conversant with ancient deeds, had explained why this was, for he never saw an ancient deed which did describe property as extra-parochial.

As to the insertion of a parochial description, that was merely because the conveyancer happened to think it necessary, in consequence of the property being within the ambit of the parish.

The conveyance of the advowson of the chantry with the manor, was evidence that it was an ancient endowed chantry or chapel—the non-return of it in the old ecclesiastical surveys was nothing. The evidence then of the antiquity of this chapel is the strongest evidence of the extra-parochiality of the place, for the inhabitants of it had no occasion for the parish church.

* This very ingenious hypothesis does great credit doubtless to the professional tact of the learned advocate; but it is submitted that a comparison of the several documents in the Appendix, will sufficiently prove its fallacy.

The insertion of a parochial description in the deed of sale of the chambers, from the Parliamentary Commissioners, was a mistake, but what was that, compared with the mistake of the parishioners themselves, who for fifty-six years past had treated the inn as extra-parochial?

Early deeds do not usually mention the parish; it is therefore the more remarkable that in the deed laid before you, the property in Kentish Town is stated to be in the parish of St. Andrew, but Portpool is not stated to be in that parish, but only in the county of Middlesex. The inference is that Kentish Town was parcel of the parish of St. Andrew, but that Portpool was not.*

Sir James Scarlett had admitted that he, Mr. Campbell, had a primâ facie case, and what answer had he given to it? All the answer consists of the perambulations which were given in evidence in 1774, which perambulations clearly shew that the old square and the gardens are excluded, for this stone to which the witnesses spoke, clearly excludes

* See p. 88.

nineteen-twentieths of the whole of Gray's Inn.* Therefore, instead of answering the plaintiff's case, he has corroborated it, by shewing that the place in question was clearly extra-parochial.

The learned gentleman concluded, by again adverting to the trial of 1774, and to the mischievous consequences that would ensue if repeated litigation were to be allowed in cases that had been already fully discussed and decided.

The learned judge recapitulated the evidence, and a verdict was for the plaintiff.

* See p. 117.

Court of King's Bench, Hilary Term, 1831.

SELBY *v.* BARDONS.

GRAY'S INN.

Motion for a New Trial.

ON the 27th of January, 1831, Sir James Scarlett applied for a new trial in this cause, on the following grounds: 1. That it was submitted to the jury by his lordship, in summing up, that as there had been a trial and judgment on the very point in question in 1774, the jury ought to presume that such verdict was given on a full investigation of all the circumstances which tended to throw light on the question of parochiality, whereas he was prepared to shew by affidavit, and extracts from the parish books, that this presumption was not founded in fact; for though there was no witness living who attended the trial in 1774, the books recorded this fact, that the

very first witness examined, having stated that nobody recollected a rate in Gray's Inn, Lord Mansfield stopped the cause, and said he would not allow the usage to be disturbed; and his Lordship directed a verdict; so that in fact the question was never submitted to the jury at all. 2. That it was stated on the trial that the society had always maintained their own poor, whereas the parish had discovered living testimony since the trial which would enable them to make evidence of their own books, and to prove, that previously to 1774, the parish supported the poor who gained a settlement in Gray's Inn. 3. That it had been given in evidence that there was a parish mark, with the letters S. A. H., in Gray's Inn, which the perambulators, on entering the inn, beat with their wands, which his Lordship observed, proved that Verulam Buildings was not in the parish, on the presumption that a parish mark or stone never occurred but at the boundary of a parish, which presumption could be shewn to be erroneous, and many instances be produced of a parish mark on a particular building not

near the external boundary of such parish: and 4. That he could now shew that a petition had been presented to the House of Commons, in 1774, the very year in which the verdict, in Dowson v. Lowe, was obtained by the society of Gray's Inn, stating that Gray's Inn was part of the parish, but that there were reasons why it should in future be made extra-parochial, and praying for a bill to do so. This also went to shew that the verdict, in Dowson v. Lowe was not obtained upon a full investigation of all the evidence.

The rule nisi was refused.

Court of King's Bench, 7th July, 1823.

BEFORE

THE RIGHT HON. THE LORD CHIEF JUSTICE.

FRASER *v.* WOOD and Another.

THAVIE'S INN.

THE declaration was opened by Mr. Brougham.

Mr. Gurney, for the plaintiff, stated that this was an action of trespass against the magistrates, who signed the warrant for a distress for poor-rates of the parish of St. Andrew Holborn, levied on the goods of the plaintiff, in Thavey's Inn, Holborn, and the question to be tried was, whether the parish of St. Andrew had a right to rate the inhabitants of Thavey's Inn.

Thavey's Inn, which was now covered with houses, was formerly an inn for students of the law, of considerable antiquity—it be-

longed to a person of the name of Thavey, and afterwards to the Society of Lincoln's Inn, who sold it about forty years ago. He remarked that it was very difficult, and frequently impossible, to account for the extra-parochiality of particular places; this place, however, had at all times been treated as such by the parishioners themselves, for they had never rated it before, and they have charged extra sums for funerals from Thavey's Inn as from another parish.

The trespass was formal, for the purpose of trying the right, and he should wait to see what evidence the parish would produce. In the cases of Clifford's Inn, and of Lincoln's Inn, recently tried, perambulations had been constantly used by the parish of St. Dunstan, but there was no such evidence in the present case, nor has the parish ever done any one act in evidence of the parochiality of Thavey's Inn.

The trespass and other formalities were admitted.

The Solicitor-General appeared for two of the defendants, the aldermen, and Mr. Scar-

lett for those in the parish more seriously interested in this inquiry. The history of the inn, the Solicitor-General stated, appears in Lord Coke's Reports, and he should shew, that up to the time of Edward III., it was considered part of the parish, as appears by the will of Mr. Thavey; and the perambulators, in going round the parish, have always included the inn—they did not go into the gates of the inn, not being at the extremity of the parish, any more than they did into the gates of any private house or property in the parish—he admitted they had never paid poor-rates, but that was not decisive, for Lincoln's Inn had never paid poor-rates, and yet did so now to St. Dunstan's parish; Lincoln's Inn, indeed, was a much stronger case for extra-parochiality, for they have their own chapel and burial ground, whereas Thavey's Inn had pews in St. Andrew's church till lately. In Lincoln's Inn the land-tax and assessed taxes are rated separately for the inn; in Thavey's case they are rated with the parish; Lincoln's Inn maintained its own poor, but this could not be shewn as to Thavey's Inn, non-pay-

ment of poor-rates being in the latter case an insulated fact. They have no officer of their own—they do not maintain their own poor, but leave the parish to do so—they have always had pews in the church, and why should they not pay poor-rates?

An exemplification, under the city seal, of the will of John Thavey, from the parish chest, was produced by the vestry clerk, who proved also that the inn had seven pews in the church, with its name on each pew, till about the year 1818, when, on occasion of repairing the church, the inn was dispossessed of their pews by the parish authorities. The parish perambulators go quite round the inn without touching it.

The exemplification of Thavey's will was put in, but there was no one to prove the city seal, and a gentleman was despatched to Guildhall to procure the original enrolment from the Court of Hustings.

On his cross-examination, the vestry clerk stated that the churchwardens did not give any reason when they dispossessed the inn of the pews, nor did they state it was because the inn was extra-parochial.

An old witness proved that the site of the inn sixty years ago, was not built on, but there were ruins on it.

The enrolment of Thavey's will was produced from the Court of Hustings, but the witness was not prepared to read it; the material part, however, was translated as follows: "I also leave all my tenements, with "all their appurtenances, which I have to- "ward the south of the parish of St. An- "drew Holborn, (that shop excepted,) in the "county of Middlesex, to my wife, Alice, for "the term of her life, and after her death, "then all that inn in which apprentices of "the law used to inhabit, &c."* The judge observed that this does not speak of the tenement being in the parish, "quæ habeo in "parte australi in parochia."

Mr. Jopson, attorney for the London Liberty of the parish, was examined as to some orders of removal of paupers, settled in

* This version does not prove the property to be described in the parish so distinctly as it ought. See p. 175. The words "of Holborn" are doubtless omitted by accident in the original. In australi parte [de Holborn] in parochia, &c.

Thavey's Inn, but parol evidence was inadmissible, and he was not prepared with copies of the orders.

This was the case for the defendant, and the Chief Justice thought there was no evidence to answer. Mr. Scarlett submitted, on the matter of law, that the place was locally within the parish, and that the plaintiff must shew how it became extra-parochial.

Mr. Gurney, in reply, submitted that the case was just where he left it. No evidence whatever had been produced to shew that it was in the parish: Thavey's will did not do it, for it merely described it as in the southern part of the parish, and the parish always treated the inn as extra-parochial. No orders of removal, said the learned counsel, are produced—no assessments—no church-rate; and they turned us out of the church. Why? Because we were extra-parochial.

The Solicitor-General (who had, it seems, been absent during the trial) rose, and was about to address the Court, but that was objected to as being too late.

The Lord Chief Justice, in summing up,

told the jury that the question was not whether Thavey's Inn was in the parish, but whether it was parcel of it. Extra-parochial places were common, though the origin of their extra-parochiality was lost. In this case the parishioners had never, in any one instance, treated the inn as parochial. The only evidence on the other side is Thavey's will, which gives "all my tenements, with all "the appurtenances which I have in the "southern part of the parish of St. An-"drew;" and the jury were to consider whether this was a description of it, as in the parish, when opposed to the evidence on the other side. The inhabitants of the inn were also turned out of the church, because the parish authorities thought they had no business there.

The jury found a verdict for the plaintiff; damages, £3, costs, 40*s*.

Court of King's Bench, 17th of October, 1826,

BEFORE

THE RIGHT HON. THE LORD CHIEF JUSTICE.

MARSDEN *v.* WAITHMAN and Another.*

THAVIES INN.

THIS was an action of trespass brought by the plaintiff, an inhabitant of Thavies Inn, Holborn, against the defendants, Aldermen of the City of London, for signing a warrant to distrain on the plaintiff's goods for poor-rates in the parish of St. Andrew, Holborn. The defendants pleaded not guilty. Mr. Gurney stated the case to the jury. The object of this action was to try the validity of a rate made by the churchwardens and overseers of the parish of St. Andrew, Holborn, on the inhabitants of Thavies Inn. Thavies Inn had been formerly inhabited by students at law, and though locally situated within the parish

* From the Newspaper Report.—Ed.

of St. Andrew, Holborn, had always been deemed to be extra-parochial until within these last few years, when the inhabitants had been assessed to the support of the poor of that parish. That assessment had been resisted, and a verdict was given against the parish; but, notwithstanding that verdict, the defendants had granted a warrant for levying the amount of the poor rate to which the plaintiff was assessed. To ascertain by what right that assessment was made was the object of the present action. Thavies Inn, he said, was extra-parochial, and thereby exempt from all assessments of that description.

Mr. Scarlett, for the defendants, having admitted the trespass, stated, that the only question for the consideration of the jury was, whether this place was extra-parochial or not. He trusted that he should be able to prove, in the most satisfactory manner, that it was not extra-parochial; but before he entered into the detail of the case he must make an observation on what had fallen from his learned friend with regard to a former defeat. That defeat was to be attributed to the fact

that his learned friend, the late Attorney-General, who, by the etiquette of the profession, was entitled to begin first, having been but very inadequately instructed; but since that time, with the observations that had during that trial been thrown out by his lordship, they had been enabled to make such discoveries as had placed the case in a better and clearer light, so as to leave no doubt that Thavies Inn was not extra-parochial. The principal ground of defence on which his learned friend relied was that the inhabitants of Thavies Inn had never been rated to the poor, but that of itself was insufficient to entitle them to an exemption. He should now be able to shew, that from the reign of Queen Elizabeth, down to the year 1774, the inhabitants of Thavies Inn had been regularly rated to the poor, and he would state the grounds on which he relied, as establishing that this place was part of the parish of St. Andrew, Holborn. Thavies Inn was originally the property of a citizen of London, of the name of Thaivie, who, in his will, made so far back as the reign of Edward the

Third, bequeathed it to his wife for life, and to his daughter at her death, describing it as *situate on the south side of the parish of St. Andrew, Holborn.* In a subsequent conveyance from one Roger Etchason to Gregory Nichols, the place was described *in the parish of St. Andrew, Holborn;* and in a conveyance, in the year 1551, from Nichols to the benchers and treasurer of Lincoln's Inn, it was still described as situate and lying in *the parish of St. Andrew, Holborn,* in the ward of Farringdon Without. Now it was impossible to suppose that the lawyers of that period would have suffered a property they had purchased to be improperly described; and when they, the benchers of Lincoln's Inn (one of whom was Lord Mansfield) disposed of it, at a subsequent period, they continued the same description. In an Act of Parliament passed in the 14th Geo. II. for enlarging the burying ground of the parish of St. Andrew, Holborn, Thavies Inn was still represented as being *part of the parish of St. Andrew, Holborn.* The assessments of the parish from the year 1728 down to the year 1774, when

the old building was taken down and the whole rebuilt, would be produced, and although the claim of the inhabitants of the parish had not from that time been enforced, still no disuse could throw the inhabitants of Thavies Inn out of the parish and entitle them to the exemption they claimed.

The office copy of Thavey's will, dated 23d Edward III., and the Act of Parliament mentioned by Mr. Scarlett having been produced and read, together with a multiplicity of rate-books, down from the year 1728 to the year 1766, several witnesses were called, but they were unable to prove that they had ever known the inhabitants of Thavies Inn to have paid any parochial assessments. In some of the rate-books, under the head of "Thavies "Inn," the names of persons assessed had crosses against their names, signifying that the sums to which they had been assessed had been paid; but on closer examination it was stated by Mr. Gurney, that the persons so rated might have resided in Holborn and not in Thavey's Inn. In some instances in the Inn the parties had paid, but in general the payment had been refused.

Mary Burford, an old woman, stated herself to have been a searcher of the parish of St. Andrew, Holborn, and in that capacity she had attended in Thavies Inn and examined the bodies of persons who had died there without being refused.

The Lord Chief Justice.—Yes, and received your half-crown also.

Mr. Gurney, in reply, contended that the case opened by his learned friend (Mr. Scarlett) had not been established: with respect to the non-payment of tithes to the king, that was an argument by no means conclusive: the Society of the Temple paid no tithes to the king, and a considerable portion of land in Lincolnshire, near Market Deeping,* besides property in other parts of the kingdom, was also in the same manner exempt from tithes. The description of the property demised by the will was quite correct, because it was, beyond doubt, locally situated within the parish of St. Andrew, Holborn; but that fact did not make it

* This land was recovered from the sea in the seventeenth century, and has therefore never been appropriated to any parish.—Ed.

necessarily part and parcel of that parish. With regard to the evidence endeavoured to be set up, by the production of the rate-books, it was to be looked on in the most suspicious manner. It was the evidence of parties who had from the year 1728 an interest in endeavouring to establish the fact that Thavies Inn was liable to be rated. A single refusal to pay the rates was worth a hundred such instances of the inhabitants being so rated; and would the jury, looking at the period of time that had elapsed since this claim had been suffered to lie dormant, now, on such slight grounds, inflict an imposition from which Thavies Inn had so long been exempted? The learned counsel, after taking a review of the weight to be placed on the different documents which had been produced, concluded by stating that the only question for the consideration of the jury was, whether it had been made out to their satisfaction that Thavies Inn was not only situated in the parish of St. Andrew, Holborn, but also part and parcel of that parish?

A verdict was found for the plaintiff.

THERE have been several other trials touching the liability of the inns to parochial rates, but as the parish of St. Andrew was not party to these litigations, it has not been deemed necessary to allude to them further, than to say—

That about 70 years ago the parish of St. Clement Danes obtained a verdict against New Inn.

In 1771 the same parish also obtained a verdict against New Inn.

The same parish also obtained a verdict against Lincoln's Inn as to part of New Square.

In 1820, the Rolls Liberty of St. Dunstan's parish recovered against Lincoln's Inn, as to part of the New Square.

In 1821, the parish of St. Dunstan recovered against Clifford's Inn.

In 1824, the same parish obtained a verdict against Serjeant's Inn, *Chancery Lane.*

But in 1826, the inhabitants of Serjeant's Inn, *Fleet Street,* recovered against St. Dunstan's parish.

We have, however, appended an abridged report of the case between Clifford's Inn and St. Dunstan's parish, on account of the striking analogy which exists between the perambulations, as proved in that case with the perambulations as proved in the Gray's Inn case, though with a very different result.*

* See note at page 372.

Court of Common Pleas, 28th July, 1821.

BEFORE

THE RIGHT HON. THE LORD CHIEF JUSTICE.

ALLEN *v.* WALLER and Another.

CLIFFORD'S INN.*

THIS was an action of trespass by a gentleman residing in Clifford's Inn against the parish officers of St. Dunstan's-in-the-West, for levying a distress for poor-rates to that parish at the plaintiff's chambers in the inn.

Mr. Serjeant Lens stated that the real question was, whether the premises on which the rate was levied were liable as part of the parish of St. Dunstan to the rate in question? Extra-parochial, or not, was a mere question of fact, he observed, depending on existing usages and customs, and when any question arises on it, it can only be determined by referring back to the history of the place. In this case

* Abridged from the report of this trial, by Mr. Hickin. Published by Butterworth and Son in 1822.

parish rates have never been levied in the inn, nor has it been treated as part of the parish; those, therefore, who seek to discover a new mode of proceeding, should shew clear and strong grounds for doing so. He did not anticipate much dispute about the facts in this case, and was willing that it should be decided by the court as a mere matter of law without the intervention of the jury. It is not of necessity that every place should be within a parish, and its being so is matter of usage and prescription, and there are many large tracts of land which are extra-parochial, and the law recognizes them as such.

He should produce a grant so early as Edward the Second's time, to Robert de Clifford, of "that messuage, with the appurtenances "next to the church of St. Dunstan-in-the-"West, in the suburb of London," not describing it as in the parish, though he did not mean to lay much stress on that; there might be descriptions of it both ways, parochially and otherwise, but no great reliance was to be placed on that circumstance on either side. He should produce an indenture, also in 1618,

wherein again it is not described as in the parish, but merely as "near St. Dunstan's "church." He should also prove a circumstance which went a great way to shew that this property was a district of itself, namely, that it had a chapel originally adjoining the church of St. Dunstan, which was afterward annexed and made part of that church; this was not a parochial chapel of ease, but belonged to this non-parochial district. He should prove also that the land-tax was paid for the inn as a privileged extra-parochial district, by special commissioners, as in the cases of Serjeant's Inn and Lincoln's Inn.

The Learned Serjeant anticipated the proof on the other side of some perambulations, but he should wait to see what that proof would be, merely observing that parts of counties were frequently surrounded by another county, and that it does not follow that because St. Martin-le-Grand is in the city of London, therefore it is part of it: but what he relied on was the practice. How had this estate been treated by the officers of the inn on one side, and by the parish officers on the

other? The inn has always maintained its own poor. Double fees have been charged on the burials of bodies from the inn in St. Dunstan's church or church-yard. Under the act of 11th Geo. III. ch. 29, sec. 55, for paving, cleansing, &c. the city of London, the inn had been separately rated. Under a recent local act to regulate the tithes of this parish, no claim was made on Clifford's Inn for tithes. It appears from the beginning to the end the same course has been pursued, and, in point of fact, the inn has never been treated as part of the parish.

Mutual admissions as to matters of form were then read. It was also admitted that the chapel formerly called St. Catherine's chapel, belonging to the inn, forms part of the north aisle of St. Dunstan's church.

A grant of the 3d of Edward the Second, to Robert de Clifford in fee, was then read, which described the inn as a messuage, with the appurtenances, next to the church of St. Dunstan-in-the-West, in the suburb of London.

A deed of the 16th of James the First, preparatory to a recovery suffered on conveying

this property to new feoffees in trust, was read, in which these words occur, "Nicholas "Sullyard, Principal of Clifford's Inn, near "St. Dunstan's church, in Fleet Street, "London."*

The fact of separate commissioners for the land-tax for the inn was proved.

It was proved by the steward of the inn that in about 28 years there had been three children deserted and three other paupers in the inn who had been provided for by the society. On cross-examination, he admitted that a female servant of his own, in the inn, had been taken into St. Dunstan's workhouse, having gained a settlement in the parish by living more than a year in his service in the inn. He had seen the perambulators of St. Dunstan's come into the inn and enter the hall on the usual days.

The Clerk to the Land-tax Commissioners for the Inner Temple proved that their jurisdiction extended over Clifford's Inn.

* The recovery suffered in pursuance of this deed was not put in evidence; if it had been, it would have proved that the inn was therein described as in the parish of St. Dunstan-in-the-West.—Ed.

The Sexton of St. Dunstan's parish proved receiving extra-burial fees, in two instances, from Clifford's Inn.

Mr. Serjeant Pell, for the defendants, was aware that in many cases some particular captivating circumstance took such hold of the mind as to disqualify it in a great measure from coming to a just conclusion. In this case non-payment of poor-rates by the inn to the parish was a circumstance of this description; it was insisted on as conclusive of the question of extra-parochiality—a proposition, however, he meant to deny; it was a circumstance, doubtless, of considerable weight and importance, but was by no means of a conclusive character. He adverted to the material distinction between tithes and poor-rates. Non-payment of the former was consistent enough, under circumstances, with parochiality, but the statute of Elizabeth imposed the poor-rate on all property *in* a parish; if the inn, therefore, were in the parish, it was rateable to the poor.

The two ancient documents proved on the other side, would be found to have no weight

when compared with those he should read. The land-tax assessment act gave a power to persons acting under it, in all privileged and other places, being extra-parochial or not, and a separate commission, therefore, for this inn, proved nothing. The perambulations, as proved by the steward, were decisive of the case in the defendants' favour; for, said the serjeant, "I never heard it contended "until to-day that where the parish was not "satisfied with taking the ambit of the "parish, they actually go into the very place "itself which claims to be no part of the "parish; I never till to-day heard it was not "the most pregnant proof imaginable that "such place was part of the parish." It was a perfect absurdity to suppose that this perambulation was made into the inn for any other purpose than to keep up the memory of its parochialty. The learned Serjeant then adverted to the recent trial of the same question between St. Dunstan's parish and Lincoln's Inn, by which a part of that inn was, for the first time, made liable to the poor-rates of this

parish, and to the several documents he proposed to read.

Mr. Hickin, the vestry clerk, produced an office copy of an inquisition taken on the death of Robert de Clifford, in the 19th of Edward the Third, seised of this estate, described as "a certain messuage, with the appurtenances, which the aforesaid Robert held *in the parish of St. Dunstan-in-the-West*, in the suburb of London."

Also a similar inquisition on the death of Sir Roger Clifford, in the 13th of Richard the Second, seised of "one messuage, with the appurtenances, *in the parish of St. Dunstan-in-the-West*, in the suburb of London."

Also an inquisition on the death of Thomas de Clifford, in the 15th year of the same reign, describing the property *in the same words*.

Also an inquisition, in the 4th of Edward the Fourth, on the death of Matilda, the wife of Roger de Clifford, describing it again *in the same words*.

Also an inquisition, in the 10th of Henry the Fifth, on the death of John de Clifford, seized of "a certain inn or mansion, called "Clifford Inn, with its appurtenances, in "Fleet Street, in the suburbs of London, "*situate in the parish of St. Dunstan, in the "ward of Farringdon Without.*"

The entry of an agreement in the vestry books of St. Dunstan, dated the 25th of November, 1624, was then read to prove that although the society were to have the use of St. Catherine's chapel in the church, the ground, nevertheless, under the chapel, should be left for the parish to bury in.

The perambulations of the parish were then proved, by which it appeared that the procession entered the inn, which was not on the boundary line of the parish, and that the officers and charity boys were refreshed with wine, beer, and buns, in the hall, from which they proceeded to the inside of the gate going into Clifford's Inn, and beat against a parish mark under Mr. Shaw's house there.

Lord Chief Justice *Dallas* interrupted the

evidence, by observing, "I have no doubt "about this myself."

Mr. Serjeant *Lens*.—My Lord, I cannot disguise it from your Lordship that I feel the weight of these perambulations as perambulations, but your Lordship is aware the evidence, though strong, still leaves it questionable whether this is to be considered as an acknowledgment. Though we were aware of this, yet we understood the entry to the inn was for the purpose of going to the back of Mr. Shaw's house. Your Lordship sees this is a strong piece of evidence. I do not mean to deny that it is most important.

A *Juror*.—"In the parish of St. Dunstan-"in-the-West—I presume that has great weight?"

Lord C. J. *Dallas*.—And the perambulations: what weighs much with me, is the perambulations; they are said to be strong evidence; but under other circumstances, by Lord Kenyon, they have been considered as the weakest of all authorities. Whether strong or weak depends upon the circumstances of the case. Now, under these cir-

cumstances, I should go with you (to Serjeant Lens) in your opening, that the mere perambulation of the bounds of a parish, though it ought to be taken primâ facie as an assertion of parochial right over every part within the line of perambulation; still it is only primâ facie, as there may be an extra-parochial spot within the line of perambulation—still the primâ facie presumption is to the contrary. But in this case what is the evidence? Why, that a society of this description, knowing the value of perambulations, suffer, once in three years, this perambulation to be made, and, every year, their hall to be entered, and a distribution of wine and cakes, at the cost and charge of the society, to the parish poor and the officers of the parish. This, you find, was done not only with notice to the officers of the society, but they actually are parties to the doing of it; the gates of the hall were opened, and the procession found the tables spread, and you have the evidence of a person who partook of the provision. I only say that all this weighs so much with me I can hardly think it con-

sistent with the case which the plaintiff relies upon.*

Mr. Serjeant *Lens*.—The principal thing which we have to oppose is, that the acts done by the parish are inconsistent with that idea. The rolls and wine might only have been intended as an act of kindness to the parish boys; it is not connected with the perambulation, for the perambulation is only every third year, but this entertainment is given every year. The never having been

* The circumstance of the perambulators deviating from the boundary line of the parish to enter this inn, and beat a parish mark there, which the learned judge, in this instance, thought so conclusive, is precisely the same as was proved in the Gray's Inn case, though its effect was very differently regarded by the learned judge who tried that cause. His lordship said, "Then "they call three or four persons to prove something like per- "ambulations on Ascension Day; now, if that evidence is to "be taken to the letter as they give it, it would shew that "Verulam Buildings, at all events, is not part of the parish; "because three of these persons tell you that there was a stone "near the hall, which you came to from Holborn, long before "you can get into the great square, still further apart therefore "from Verulam Buildings, which they understood to be the "parish boundary. If that was the boundary of the parish, "Verulam Buildings cannot possibly be within it." His lordship, in that case, did not draw any distinction between boundary marks, at the termini of a parish, and parochial marks or buildings within the area of the parish.

asked before to pay a single rate, seems, in my judgment, a very strong circumstance; but as to the perambulations, I feel the weight of that argument.

Lord C. J. *Dallas*.—There are some cases in which one feels oneself called upon to interpose, when one sees how it strikes the judge and jury. Certainly, while there is the least doubt upon the point, it is better to hear all that can be said; and now, as there is a possibility that I have taken an erroneous view of the question, you had, perhaps, better proceed.

Mr. Serjeant *Lens*.—No, my Lord; as I perceive what is the opinion of your lordship, I will only add, that the privilege in this case contended for, is only derived, if it is derived at all, from its being extra-parochial. I am not aware that it can be privileged in any other way; I can, at least, shew no other privilege to exempt us from the operation of the poor laws. I would only just observe, that from the 43d of Elizabeth till down to modern times, this place has never been rated or acted upon, as part of the parish. If,

however, the gentlemen of the jury mean to signify that in their opinion this is part of the parish of St. Dunstan-in-the-West, it is in vain to proceed.

A *Juror*.—We are perfectly of that opinion.

Mr. Serjeant *Lens*.—We had better be nonsuited, perhaps.

The plaintiff nonsuited.

APPENDIX.

Bentley's Book.

Some Monuments of Antiquities worthy memory, collected and gathered out of sundry old Accounts had and made by the Churchwardens, Light Wardens, and such like Officers of the Parish, since the time of King Henry the Sixth, by Thomas Bentley, Gentleman, some time an unprofitable Member and Churchwarden of the Parish, in the year of our Lord 1584:—

Memorandum.—In perusing the old accounts (such as they are) I find, first, that the steeple of the church of St. Andrew's that now is, was begun to be builded, and the old steeple pulled down, in the 25th year of King Henry the Sixth, and made up so that the bells were first hung up therein and rung in the 35th year of the said King Henry the Sixth, but that the same was not covered, loaded, nor fully finished in that king's days, until the 7th or 8th year of King Edward the Fourth.

Item.—That the two aisles of the church, called the South and North-side ailes, were new built also, about the same time and years of these two kings, to wit, Edward the Sixth and Edward the Fourth;

And note.—That all this and many things also in the church, in those days even when the church had most lands,

was nevertheless builded by the money given of devotion of good people then used to be gathered by the men and women of the parish, in boxes, at ales, shootings, and common meetings for that only purpose, through the parish weekly during the time of the sports, as by these accounts yet remaining may and doth appear, amongst which for that I find many, both in their life time and after their deaths, by their last will and testaments, have contributed and bequeathed largely towards the said works, these, for their worthy memory and commendation to all posterity for example, I thought good here to register by name as the said accounts could afford as follows:—

Two Inns of Court.

Gray's Inn.	Sir William Rymer.
Lincoln's Inn.	Sir Richard Newton.

Four Inns of Chancery.

Staple Inn.	Sir J. Popham.
Barnard's Inn.	Sir Robert Davers.
Furnival's Inn.	Sir Abel Hynemers.
Thavies Inn.	Mr. J. Courtney, of Furnival's Inn.

Benefactors to the Steeple and Bells.

Lord Fitzwarren.	Mr. Manvesley, of *Thavies Inn.*
Lord Tiptoft.	Mr. Catesby, of the *same house.*
Lady Cownives, of London.	Mr. T. Fitzwilliams, of *Gray's Inn.*
	Mr. Bowll, of *Gray's Inn.*
Lord Chief Baron.	Mr. Altoft, of *Gray's Inn.*
Sir J. French.	Mr. Olnsee, of the *same house.*
Bishop of Rochester.	Mr. Parnell,
William Alnewyke.	Mr. Owen, } of *Gray's Inn.*
Bishop of Lincoln.	Mr. Bryan,

Justice Markham.
All the four Justices of the King's Bench, an. 34 Hen. VI.
All the four Justices of C. P., an. 34 Hen. VI.
Justice Fulthrop.
Sir Wm. Estfield, Knt., who gave much to the steeple, and 6*l.* 10*s.* toward a window in the church or vestry, an. 25 Hen. VI.
Sir J. Westley, *Principal of Gray's Inn, with divers others of the same house.*
Mr. Heyland, of *Lincoln's Inn, with divers others of the same house.*
Sir Gilbert Worthington, parson of the parish.
Sir William Greene, parson, his successor.
Sir Harry Drayton, vicar of Pancras.

All these, I say, with infinite other well-disposed persons, were great benefactors yearly, for the most part, to the parish and the churchwardens aforesaid, and have bequeathed, some 5*l.*, some 10*l.*, some 20*l.*, some more, some less, as appears more particularly in the said old accounts of the parish.

Memorandum.—That about the 20th year of King Edward the Fourth, and before and long after, in King Henry the Seventh and King Henry the Eighth's time, the church had a house or tenement next the White Hart, for the which the lightwardens* received yearly a rent; also, they received yearly a rent of 5*s.* for an acre of ground behind the White Hart, above Bars, called the Church Acre; also, they received of the chantry priest of Paul's, a quit-rent of 8*s.* every year; also, *of the Bishop of Ely, they received yearly another quit-rent of* 5*s.*; also, of the *Principal of Furnival's Inn* yearly for the maintenance of the lamp 13*s.* 6*d.*

Memorandum.—That in King Henry the Sixth's time, viz. anno 2d, the church had these tenements belonging

* The lightwardens were officers who had charge of the several tapers and lamps used at the altar in the church. Ed.

thereunto, the rent whereof was yearly gathered by the churchwardens, to wit, tenements called

The Great Vine.
The Little Vine.
The White Vine.
Andrew Cross.
The first house next the church.
The second house.
The third house and fourth house, together with 15 houses now in Fetter Lane, and a garden plot in Gray's Inn Lane.

Item.—There was at that time a quit-rent of 9*s.* 10*d.* paid by the churchwardens out of Andrew Cross tenements yearly, unto the Abbot of Westminster, the which quit-rent was continually paid in King Henry the Eighth's time, also as appears by old acquittances.

Item.—Anno 6th Henry Seventh, I find that the parson gave and paid to the churchwardens 10*s.* for the whiteing of the chancel and church work done there.

Item.—The house called the Little Vine was new builded or repaired at the charge of the church, and gift of timber and money given by devout people in the 17th year of Henry the Seventh, as appears in the churchwardens' accounts.

Item.—I find that all King Henry the Seventh and Henry the Eighth's time *the four Principals of the four inns or houses of Chancery*, paid yearly a mark a year a-piece to the church, which was received by the officers called St. Sythes wardens, as appears at large in their account, and then it was paid as it should seem for the maintenance of a chantry priest that sang mass *at the four altars before the seats or pews of every house, which rent after was paid by them to the churchwardens in King Edward the Sixth's time, for and in the name of their pews,* when, by the statute, these fraternities and chantries were put down; also, I find that about anno 4th of Queen Mary, the said four Principals began to continue the said rent, and paid for half

a year a-piece their due 6*s.* 8*d.* a-piece; but never since that I can find by any accounts remaining *the said Principals* have never paid any thing but let it run still in arrears from time to time to this day.

Item.—I find in the wardens of St. Sythes' accounts, that they received rent of fifteen or sixteen houses yearly in this parish, to the use of the church and maintenance of the brotherhood. The rent yearly that they received, as I can gather, was 5*l.* a-year. 18 Hen. VII. to 29 Hen. VIII.

Item.—The churchwardens made or new cast a new bell, in the twenty-first year of King Henry the Seventh, whereunto many well-disposed parishioners and other people gave much money, as appeareth particularly in the accounts by their names therein recorded.

Item.—Pepper, the churchwarden, then paid 8*d.* to the clerk, for copying of the evidence belonging to the churchwarden, then possessed by churchwardens safe and sound, and kept to the use of the parish for them to walk and instruct themselves in. 20 Hen. VII.

Then was the new church-house, so called next the great Vine, which church-house was then let out for rent, as appears in the said Peppers' accounts.

Memorandum.—That the *leet or wardmote's inquest both within Bars and without the Bars*, were accustomed yearly at their sitting, to give out of their box money for the maintenance of the church-works, even then, I say, when it had most lands and rents, as appeareth by the old accounts, especially in the twenty-first year of King Henry the Seventh, and anno 4th Henry the Eighth.

Item.—Note, that James Noble and John Godwyn, churchwardens, received 3*s.* 4*d.* for a fine of Sir Henry Walman, the parish priest, for an offence made to the said churchwardens, as appears by their accounts. 21 Hen. VII.

Item.—The churchwardens used to repair the garden and wall, abutting to the south church-yard, and set or sowed

hemp in the said garden, for the which they, like good husbandmen, made money for the use of the church.

Item.—The wardens and parishioners were accustomed yearly to make plays in convenient places, and great shooting matches amongst the parishioners, as also to keep ales or drinkings with barrels of ale, given by some well-disposed parishioners to the church, and all to the intent that the overplus and gains thereof coming, be reserved and converted to the use of the church works, as appeareth at large in many accounts.

Item.—The churchwardens, and men and women also of the parish, used yearly, upon every Sunday or holiday, or other times of the year, as Hop Monday, Good Friday, and such like days, to gather in boxes the devotion of good people, towards the maintenance of the church works and ornaments thereof, as appeareth by many accounts.

Item.—It appeareth, by an old account, that Sir Henry, the priest, paid to the churchwardens, Alexander Karnivell and Thomas Davis 4*d*., for suffering a cart to come into the churchyard to the parsonage house.

Item.—There was a gathering amongst the parishioners for the paving of the Shoe Lane, and the street before the church, and in the church, and such like, made by the churchwardens, anno 23d Henry the Seventh.

Item.—The churchwardens always used to pave the alley and lay gravel in the church-yards, at the parish costs, as appears in many accounts.

Memorandum.—That about the seventh year of King Henry the Seventh, there was an instrument of decrees, made for good orders in the parish, by Sir Ralph Garsett, the parson, and James Bown and Thomas Edwards, churchwardens, with the consent of the rest of the parishioners; which decrees being afterwards like to be broken by some froward persons was, by the aforesaid parson, and the churchwardens again revived and strengthened, or made

perpetual under the conventual seal of the official to the ordinary, then being Dr. Stadwell, in the ninth year of King Henry the Seventh.

Item.—After the making and publishing the act or instrument of good orders, I find ever since, by many accounts of the churchwardens, light wards, and the other wards of St. Sythe and St. Christopher, that have oftentimes paid their several fines or amerciaments, for refusing to take their said office, being thereunto elected, and breaking the said decrees in that point, as namely, one James Noble paid his fine for refusing the churchwardenship, in anno 19 Henry the Seventh, and the fine was 6*s.* 8*d.*, as appeareth in Robert Peppers' accounts the same 19th year of Henry the Seventh.

Item.—What money or other thing soever was found in the church or church-yard, I find it was delivered to the churchwardens and other wards, as belonging to the church, who thereof made account to the parish, as appears in many accounts.

Item.—The churchwardens lent nothing out of the church as challices, vestments, bells, or such like, to noblemen and chaplains in the parish, or others, but they always took some money more or less for the loan thereof, to the use of the church, and made account thereof, as appears in many accounts, especially in anno 2d Henry the Eighth, when they lent those things to the Serjeant's Feast, kept at Ely House.

Note.—That one Alexander Kervinall, churchwarden of this parish, was arrested about the parish affairs, as appear, by his accounts, made anno 23d Henry the Seventh.

Item.—Skelton and Hood, churchwardens, anno 8th Henry the Seventh, did summon one Thomas Davis twice or thrice into the Arches, about the parish affairs, and articulated against him till he was suspended at their suit.

Item.—I find that the churchwardens also cited one John Want, anno 10th Henry the Eighth, and exhibited a bill

against the parson that same year; also the same summoned Sir Henry Walman, their parish priest, into the Arches, before Mr. Charnolds, and caused the said churchwardens to sit and keep in the church, and paid for his dinner and sitting 8*d.*, as appears in the account of Robert Pepper and Robert Bennett.

Memorandum.—That one Thomas Davis being elected churchwarden, served the same office by one John Goodwyn, his deputy, as appears by the accounts made the last year of King Henry the Seventh, and the first year of King Henry the Eighth.

Note.—King Henry the Seventh made a legacy of 20*s.* and two torches, to the parish church, which was truly paid by King Henry the Eighth, his son, the 17th day of July, anno 1 Henry VIII. Nota.—That the serjeant's feast was kept in this parish at Ely House, to the which King Henry the Eighth was invited, and came, unto whose Grace the churchwardens and parishioners then put up a supplication for and in behalf of the church lands, which he graciously accepted. The churchwardens then were Henry Lewis and John Renyngton. 2 Hen. VIII.

Item.—At the feast, *Mr. Delazon, Mr. Fetherbert, Mr. Ashett, and others, of Gray's Inn*, gave liberally towards the *repair of the church of St. Andrew*, as appears by the said accounts of Lewis and Rennington.

Item.—At the feast the said churchwardens received money for the loan of the church ornaments lent to the serjeants at Ely House.

Memorandum.—That the middle roof of the body of the church was new made in the third year of King Henry the Eighth, of the church-rent and devotions of charitable people gathered in most of the parish churches in and about the city, and of the benevolence of *both the inns of Court and four inns of Chancery*, as appeareth more at large in the accounts of Henry Bewe, Shoemaker, and William Hord, Tailor, then being churchwardens, and

note, the said wardens made account of 11*s.* 8*d.* paid by the parish to the Bishop of London that then was, for his pardon or licence to build the said roof, and for four copies of the same. Note also, that as I can gather the charges of the said roof, stood the parish in not past a 40*l.* at that day.

Note also, that one Mr. Burk, or Burt, *a gentleman, of Staple Inn*, gave 6*s.* 8*d.* to the churchwardens, to the use of the church works and building of the said new roof, in consideration that he had leave to set up his arms in the glass (dormer) windows over Staple Inn pews, made in the said roof for light to the church, which monument, oftentimes since, to the great offence and discontentment of divers gentlemen, was defaced and utterly taken away, that ought of the churchwardens from time to time to have been more carefully kept and maintained, as the same, in that case well requireth and demandeth.

Memorandum.—That the church porch was built in the fourth or fifth year of King Henry the Eighth, at the charges of the parish not past of 3*l.* or 4*l.* in those days, William Shelton and Alexander Brown then being churchwardens, as their accounts. And note, that about the twentieth year of King Henry the Eighth, I find that one Mr. Sherrard, *of Staple Inn, was buried in the said porch.*

Item.—The little organs were made and bought at the charges of the parish and devotion of good people, gathered by the churchwardens in the ninth year of Henry the Eighth; they cost, as I can gather, 6*l.*

Item.—The loft for the said organs was built the same year, and stood the parish in 40*s.* and odd money, for the charges.

Memorandum.—That in the tenth year of Henry the Eighth, Richard Hone and Thomas London, then churchwardens, exhibited a bill against the parson of the parish; the cause appears not; and also that they made their accounts that year, not with the parson and vestry as they were accustomed, but exhibited the same unto the arch-

deacon of London, then being John Corpole, who accepted and allowed of the same their accounts given up, the 27th day of July, 1518, as appears by his hand subscribed at the foot of the said account; so again afterwards, anno 7 Elizabeth, and before 8 Henry VII.

It was not lawful for the clerk to wash the coperas of the altar with his bare hands, but with linen gloves made for him to wear for the purpose especially provided by the churchwardens at the parish charge. So appeareth, anno 5 Henry VIII.

Item.—The bells were accustomed to be rung always at the election of a pope, every year, in this parish, as in all London over, (how much rather ought they to be rung and rung again for our Christian Prince,) and for these peals the churchwardens were allowed in their accounts; as appeareth so after anno 26 Henry VIII.

Memorandum.—The little bell set up, and the steeple was covered, reared, and leaded, in the 18th year of King Henry the Eighth, to the charges of the parish of 7*l.* or 8*l.* as appeareth in William Shelton and John Jeffrie's accounts of their churchwardenship.

Item.—I find that the said churchwardens paid 19*s.* and odd money, to the offices of the Exchequer for the office found there of the church house, and void ground whereupon it stood. 18 Hen. VIII.

Item.—The storehouse to the church was built at the charges of the parish about 54*s.* 7*d.* in those days, by Hone and London, then churchwardens, in the tenth year of Henry the Eighth. This storehouse, as I take it, is now in the possession of Robert Bentley, together with the garden and shed there.

Note.—That the lytewardens of the parish sometime, viz. in the 11th year of King Henry the Eighth, took a woman's gown to pledge for their duties belonging to the church at a funeral, as appears at the foot of their accounts.

Item.—The gate of the churchyard, and the enclosure

thereof, was made by Neale and Preston, churchwardens, the 19th year of King Henry the Eighth.

Item.—The constitutions ecclesiastical, by the King's authority published and made, were written in tables, and set up in the church, at the charges of the parish, by the said Neale and Preston, the churchwardens, the same year.

Memorandum.—That Richard Hare and John Smith, churchwardens, made a rental or book of all the church houses and rents belonging to the said church, and exhibited the same unto the Mayor's court of the city, where it remains of record. This was done the twentieth year of Henry the Eighth; and note, that the like rental was made in the twenty-seventh year of Henry the Eighth, by Thomas Neale and William Preston, then churchwardens, and that at the Lord Mayor's command. See the accounts, and search the Mayor's records, and learn how the church hath lost so much lands, whether rightfully or not, for so to do doubtless is a good work, and possibly may turn to the wealth of the church, if it would please God to raise up some painful and diligent man to look well into it.

Memorandum.—That in the twentieth year of King Henry the Eighth, there was a great gathering made towards the new bells, by William Herde and Philip Hogg, the churchwardens, among the parishioners and other well disposed people, as appeareth more particularly in their accounts, to the sum of £4. or £5., the which bells were new exchanged and bought and hung up in the twenty-first year of King Henry the Eighth, by the said Herde and Hogg, with the consent of the parishioners, of one Thomas Lawrence, of London, bell-founder, A. D. 1528. The names and weights of all the four bells were these:

The first bell, named Spes,	807 lb.
The second bell, named Katherina,	1110
The third bell, named Maria,	1414
The fourth bell, named Andrew,	1825
Total, ..	52 cwt.

The charges of these bells, from time to time, in ropes, muffling, bell-drops, and such like, shall best be known by searching the old accounts, to the which I refer such as are desirous to understand the same, for brevity sake.

Memorandum.—Mr. Wood's wall, in the south churchyard, next Mr. Aylworth's garden door, between Davis Inn and the church, was repaired as had been accustomed, by the churchwardens, of the parish charge, as their fence: See Hone and Smith's account, 23d Henry the Eighth.

Memorandum.—That the church hath divers times, upon just occasion of great reparations done thereunto, been in debt to the churchwardens, especially as, namely, to Nicholas Uyline, Richard Atkinson, churchwardens, anno 24th Henry the Eighth, £51.; also to John Pynckney and Richard Hare, 10th Henry the Eighth, in debt, 6*l.* 8*s.*: also to Joseph Hogg and William Viney, churchwardens, and 28th Henry the Eighth, in debt, 16*s.* 2*d.*; and to John Fisher, churchwarden, at the building of the church house, anno 30th Henry the Eighth, it was in his debt 45*s.*, besides odd money, to other parishioners; all which debts were duly repaid unto the said churchwardens, either by way of retainer in their own hands the next year, being again chosen wardens, to pay themselves, or else by payment thereof duly made by their successors, as appeareth more plainly in their several accounts.

Memorandum.—The standing pulpit of wainscot was new made, and the old one, made in the twenty-first year of King Henry the Seventh, pulled down and taken away by William White Perring and Nicholas Noylings, churchwardens, to the charge of the parish of 33*s.*, as by their account appears.

Memorandum.—That Thomas Neale and William Preston, churchwardens, made account of 3*s.* 4*d.*, paid by them in the name of a penalty or fine unto the King's servants, for not ringing the bells when the King's Majesty came by.

See their accounts of the twenty-sixth year of King Henry the Eighth.

Item.—*The churchwardens made account of moneys laid out by them, about the mending and repairing of Furnival's Inn pews or seats*, Neale and Preston, churchwardens. 27 Hen. VIII.

Note.—There was never so many fines or amerciaments paid for refusing the office of warden in the parish, in any one year, as I can find, as in the twenty-seventh year of King Henry the Eighth, and twenty-eighth year, in which year seven or eight fines together were taken, which argued the parishioners were weary of the charge. See the accounts.

Memorandum.—That the vestry was covered with lead in the twenty-ninth year of King Henry the Eighth, which so continued till the twenty-first year of Queen Elizabeth, in which year it was pulled down and tiled by the churchwardens that then were.

Note.—That the churchwardens, John Hogg and William Viney, in the twenty-ninth year of King Henry the Eighth, sold as much of the church-plate as came to 34*l.* of money, 11*s.* 4*d.* for the which they were amerced at their accounts by the parson and assistants, to pay 34*s.* 2*d.* for ill husbandry and selling the said plate without consent of the parish, the which fine they paid to William Moody and John Fisher, their successors. See the accounts, 30th Henry the Eighth.

Memorandum.—That one William Twychiner, parish clerk of this church was fined to the sum of 3*l.* 6*s.* 8*d.*, by William Moody and John Fisher, churchwardens, and the vestry, for goods of the church lost by his default, in the twenty-ninth year of King Henry the Eighth.

Note.—That the church-house, wherein Robert Fox now dwelleth, was new built, at the charge of the parish and devotion of good people, gathered for the purpose, by William Moody and John Fisher, the churchwardens, in

the thirtieth year of King Henry the Eighth, the whole charges whereof, as I can gather, was not past to 50*l.* or 100 marks.

Note.—That about this time the churchwardens had a box, called St. George's Box, which was gathered in on St. George's Day, for the church-works and building of the church-house.

Item.—There was a tabernacle of St. Stephen in the church, and a cross standing in the church-yard, as appears in the old accounts.

Item.—There was or is an alley in the parish, called Crok Horn Alley, as appears by the lightwarden's accounts.

Memorandum.—*That the churchwardens, Richard Hone and John Smith, anno 22d Henry the Eighth, procured the Lord Cardinal that then was, to send his man for all the four principals of the Inns of Chancery: the cause whereof is not set down, but I gather it was for some duties to the church accustomed to be paid, which they detained, for I find they gave yearly and quarterly to the lightwardens for lights and lamps to the brotherhood Rolls of the parish that then were, of St. John and St. Christopher, and of St. Sythe, as appeareth at large from all the old accounts from Edward the Fourth's time.*

Memorandum.—That in the first and second year of King Edward the Sixth, these were the tenants of the church houses:

Mr. Bartlett for one, and John Whittered.

Mr. Dobbs for one.

Hamon Wodale for three houses, one great and two little.

Richard Whitford, for the Plough, Fetter Lane.

John Best, for the garden, in Gray's Inn Lane.

The chantry priest of Paul's, for the lamp.

But note.—That in the third year of King Edward the Sixth, the church lost all the lands given for the maintenance of any superstition, and none was left but that given

to the reparation of the church, as appeareth by the accounts of Robert Griffin and Thomas Hornby, in which accounts appeareth what charges the parish was at in the Exchequer to Mr. Cowick and others, for the searching of Thavey's will, offices, and other books, and bills drawn for the parish, in the suit for the church lands.

Note.—That Oliver Tatam, churchwarden, took up as much old copper off the tombs and grave stones in the church as came to one hundred weight, for which he took 36*s*. to the use of the church, as appears by his accounts, anno 1st Edward the Sixth.

Item.—The church was new whited and rubbed with plaster of Paris, painted with Scripture sentences and the King's arms, at the charges of the parish, to the sum of 6*l*. 12*s*. 1*d*. the whiting and rubbing, and 5*l*. to the Scripture and arms. 1 Edw. VI.

Item.—The box for the poor was then set up, and cost 7*s*. 1 Edw. VI.

Item.—This year all the altars, images, and superstitious things in the church were taken away. 1 Edw. VI.

Item.—This year the church windows cost, new glazing and mending, the sum of 4*l*. 8*s*. 1 Edw. VI.

Item.—The gutters on both sides of the church were this year mended for 40*s*. 1 Edw. VI.

Item.—This year there was a poor labourer sore hurt with a fall in the church works. 1 Edw. VI.

This year the parish bought the Paraphrasis of the parson, who took 5*s*. for the same. 1 Edw. VI.

Item.—The churchwardens this year gave a mark to four preachers for four sermons made in the church, and their dinners. 1 Edw. VI.

Item.—This year the said Hamon Woodal, churchwarden, was arrested and laid in the Compter for the parish affairs, to the charges of the parish of seven or eight shillings. 1 Edw. VI.

Memorandum.—*The principal of Barnard's Inn paid*

10*s.* *for the pews unto Richard Hunt and William Boley, churchwardens.* 2 Edw. VI.

Item.—The cross censors and broken chalice of the church were sold by them for 27*l.* odd money. 2 Edw. VI.

Item.—These churchwardens took up as much more old latten or copper in the church as they took 18*s.* 6*d.* for. 2 Edw. VI.

Item.—The priest of Paul's paid 8*s.* quit rent for the lamp out of the tenement at Gray's Inn Lane, and as was accustomed of old time. 2 Edw. VI.

Memorandum.—*The said churchwardens took 7s. to the church, for the tomb this year set up in Gray's Inn Chapel in the wall.* 2 Edw. VI.

Item.—The brotherhood Rolls had continuance this year. 2 Edw. VI.

Memorandum. —The French King's dirge was solemnly kept in the church this year, and cost 3*s.* 4*d.* to the morrow mass priest. 2 Edw. VI.

Item.—The mending of the church ended this year cost 4*l.* 12*s.* 2 Edw. VI.

Item.—The rood was taken down this year.

Item.—My Lord of Lincoln gave a pair of organs to the church. 2 Edw. VI.

Item.—The churchwardens paid for the half-fifteenths of this parish this year 18*s.* 10*d.* 2 Edw. VI.

The churchwardens paid much money for counsel, to Mr. Yelverton, Walpoole, Howlson, &c. in the suit for the church lands, and for other books and fees at Sadler's Hall Court. 2 Edw. VI.

Item.—Robert Griffith and Thomas Hornby, churchwardens, laid out much money about the suit of the church lands yet in question to Mr. Cowick, and for searches in Mr. Loft's office, and in the Exchequer and in the Mayor's Court, as appears by their account. 2 Edw. VI.

Item.—The said wardens entered an action against

Richard and Henry Redham in this court, and withdrew it afterwards. 3 Edw. VI.

Item.—Mr. Hunt paid 3*s.* 4*d.* for his fine for not taking the office of churchwardenship upon him, as I gather. 3 Edw. VI.

Memorandum.—*The Lord Broughe was buried in this church the 4th year of King Edward the Sixth, viz. in Lincoln's Inn chapel.* 4 Edw. VI.

Item.—The Earl of Southampton, the patron of this church, was buried in the high chancel in the same year. 4 Edw. VI.

Item.—The Lord Fitzwater's child was buried this year in his grandfather's grave. 4 Edw. VI.

The King's Commissioners sat to inquire of all inventories of church ornaments. 4 & 6 Edw. VI.

The communion table and forms first provided and set up in the choir when the altars were pulled down. 4 Edw. VI.

The fall of money from 9*d.* to 6*d.* in the shilling put the church to great loss, in the 5th year of King Edward the Sixth, as appears in Richard Clift and John Mill's accounts. 5 Edw. VI.

Memorandum.—The churchwardens, Clift and Mills, received 9*d.* for the Hally Loof, and for the same on Christmas-day 6*d.* 6 Edw. VI.

Memorandum.—The parson of the church was in durance this year, as appears by the accounts of Cliff and Mills. 6 Edw. VI.

Item.—The said churchwardens paid for bread and wine spent at the communions this year 18*d.*, as appears in their accounts, and at Christmas 22*d.* 6 Edw. VI.

The churchwardens were this year cited by the Ordinary, and went up to the Bishop of London. 6 Edw. VI.

Memorandum.—*M. Allington, Esq. was buried in Lincoln's Inn chapel the 1st year of Queen Mary.* 1 Mary.

Item.—The parish gave young White 5*l.* for the great organs which his father gave to the church. 1 Mary.

The pew for the poor first made in the church by John Strut and Robert Walker, churchwardens, and after removed, anno 2d Mary. 1 Mary.

This year, without a great varying, by commandment, the parishioners were at great charges upon the proclamation made for Queen Mary to reign, to erect and set up all manner of superstitious things again in the church, not long before pulled down, so ready they were to maintain idolatrous service, and forward to further superstition, and in so short a space, that it is wonderful to read or hear, and shall condemn the coldness and slackness of some now in the time of the gospel. 1 Mary.

And the first year of Queen Mary, about the 10th of July, there was a great fray made *between the gentlemen of Gray's Inn and the Lord Warden's men*, in the which fray or fight there were two of the Lord Warden's men killed and buried in the parish, A. D. 1554. 1 Mary.

The scriptures written in the church, in King Edward's time, were this year washed out again. 2 Mary.

This year the churchwardens were fetched with a pursuivant to the Exchequer, and had great suit again for the church lands, as appeareth in their accounts. 2 Mary.

The bells were rung lustily at the quicking of Queen Mary with child, at the parish charge. 2 Mary.

Memorandum.—The churchwardens received this year 35*s.* of the communicants received at Easter; this money was called houselying money in old time, the which was used to be received by the lightwardens in Henry the Seventh and Henry the Eighth's time, as appears in old accounts; also, anno 8th Queen Mary, the lightwardens received it at God's board, and called it the halfpence; *the same in old time was received of the Inns of Court and Chancery also by the lightwardens, as appears in their accounts.* 3 Mary.

Item.—Hamon Wodall and Derick Lighterfoot, churchwardens, received in this year of Mr. Barnard 12*l.* 15*s.* in part payment for the lease of Mr. Howes' ground, sold in the 4th year of Queen Mary; the churchwardens Hamond and Lighterfoot received now of him 30*l.*, so at once the parish was possessed of the lease, and paid for fencing the ground and fencing and ditching it. 3 Mary.

Memorandum.—*The four Principals this year paid* 6*s.* 8*d.* *a-piece to the churchwardens for their pews.* 3 Mary.

Memorandum.—The rood of Mary and John set up by Hamon and Lighterfoot cost the parish 6*l.* 10*s.*, and Moore had 16*s.* 6*d.* for setting them up, besides other charges, which shortly after was burnt to ashes, as shall appear. 3 Mary.

Memorandum.—The little bell was new cast in the said 3d year of Queen Mary, and cost about four nobles besides the old metal. 3 Mary.

Item.—*This year the churchwardens made the four Principals of the Inns of Chancery a breakfast which cost* 7*s.* 3 Mary.

Item.—The gilding of the patron of the parish, St. Andrew, cost the parish 4*s.* this year. 3 Mary.

The parson made a deed of gift unto the churchwardens of the trees in the church-yard, who after cut them down and sold them to Moore for 16*s.* 4 Mary.

There were six surplices made at once in this church, by Hamon and Lighterfoot, which cost 20*s.* odd money. 4 Mary.

Memorandum.—Hamon and Lighterfoot took out 7*s.* 8*d.* out of the church-box, at the church-door, at one time. 4 Mary.

There was 58*s.* gathered at Easter of the parishioners for the sepulchre and paschal light, by the churchwardens, who taxed the parishioners to pay towards the setting up of all the superstitious things in the church. 4 Mary.

The church-yard was again new enclosed by Hamon and

Lighterfoot, wardens, and cost 44*s.* in brick, besides lime and sand and other thing, locks and doors; the charges of the whole, as I can gather, came to 7*l.* 5*s.* 10*d.* or thereabouts.

The painting of the rood cost 20*s.* 4 Mary.

The obit of the pope was solemnly kept, and with great ringing of bells. 4 Mary.

Memorandum.—The church lands was again in suit, and much labour made to the queen's attorney, Mr. Griffith. 4 Mary.

The churchwardens paid Hunt and Fisher 10*l.* for money laid out by them about the parish affairs. 4 Mary.

The churchwardens paid for the return of a lease made by the Maltbyes 5*s.* to the doctor of the arches, 10*s.* for counsel. 4 Mary.

The two ranges of new pews before Furnival's Inn and Thavies Inn, were made by Hamond and Lightfoot, churchwardens, at the parish charges of 4*l.* 14*s.* 6 Mary.

Memorandum.—Mr. Barnard paid at three several times the full sum of 55*l.* 10*s.* for Mrs. Hone's lease of her ground, to the churchwardens in anno 3d, 4th, and 5th of Mary, as appears by their accounts.

The parishioners gave in one year, towards the new mass priest 56*s.* 4*d.*, *and the four inns of Chancery towards the same priest's wages* 40*s.* 6 Mary.

The churchwardens gave 2*s.* to the waytes or minstrels for playing before the procession on St. Andrew's Day: the lightwardens then being lightwardens only, *made a great breakfast for the four principals, and others of the quire,* anno 6th of Mary, to the charges of the parish of 10*s.*

The lightwardens used to give twelve pair of gloves yearly, at Easter, to the quiremen, six pair to the parson, and six pair to the other six officers of the parish, as churchwardens, clerks, sextons, and singing-men, which gloves yearly cost 10*s.* or 12*s.* at the parish charge, as appeareth in their accounts, anno 6th of Mary, and anno 1st of Elizabeth.

Memorandum.—That in the second year of our sovereign's reign, Richard Moore and Andrew Tucker, churchwardens, took up as much copper or brass off the gravestones and tombs in the church, as they sold for 7*s.* 6*d.*, which defacing of monuments in the church in this parish and elsewhere, in others, was at the length complained of to her majesty, whereupon she presently, after complaint thereof made, caused a very godly proclamation to be published through her realm, against defacing of monuments in the church, which is extant, and meet to be set up in all churches that thereby more may understand her Grace's pleasure, how far they shall proceed in these actions in the church. 2 Eliz.

Memorandum.—There was a communion cup bought this year, which cost 5*l.*, and a case to the same, which cost 2s. 6*d.*, it weighed thirty-nine ounces. 2 Eliz.

Memorandum.—That in the first and second year of her Majesty, were all the altars, and superstitious things in the church set up in Queen Mary's time, now again, to God's glory, pulled down, and by little and little all the relics of Rome utterly turned out of the church.

This year there was a bible bought unto the church, which cost 11*s.*, and two paraphrasts, a great one which cost 7*s.*, and a little one, the Epistles and Gospels, which cost 5*s.* 2 Eliz.

The queen's commissioners sat for the reformation of abuses and idolatry out of the church, who convened all churchwardens before them, and caused them to bring in the inventories of their church ornaments and goods. 2 Eliz.

This year there was great cost bestowed about repairing all the pews in the church, as appeareth by the accounts of Moore and Tucker, the rather, as I think, because Moore, one of the churchwardens, was a carpenter, and knew best how to bestow the church money, to the best advantage, and set himself a work, but to how little purpose it is yet to be seen. 2 Eliz.

Memorandum.—Master Morton was buried in the high chancel, and his coat armour set up the first year of our Sovereign Lady Queen Elizabeth, for the which the parson had 20*s*., and a gown cost 30*s*.

The two hearsecloths were bought anno 1st of Elizabeth, and cost 3*l*. 3*s*. 4*d*.

Item.—The rood of Mary, and John, which a little before cost 6*l*. or 7*l*., were this year all burnt to ashes, by commandment of the commissioners. 2 Eliz.

The glazing of the church this year, anno 1st Elizabeth, cost 50*s*. and better.

Memorandum.—That anno 1 Eliz. the new housen at the west end of the church, was built by Moore and Tucker, churchwardens, at the parish charges, to the sum of 3*l*. or 4*l*.

Memorandum.—That Mr. Wilkes that gave the great legacy of 5*l*. yearly to the poor of this parish, was buried in the church, in the second year of her Majesty's reign, who gave also the parson that then was 53*s*. 4*d*.

Note.—That at the beginning of this Queen's reign all the other wardens of the church, to wit, lightwardens, were put down, and had no use in the parish, as the wardens of St. Sythe, and St. John, and St. Christopher, were put down in the latter end of King Henry the Eighth and King Edward the Sixth's time, when the lands given to such fraternities and brotherhoods were taken away by statute.

Memorandum.—*That the four inns of Chancery were accustomed to pay unto the parson of the parish quarterly* 4*s*. 6*d*., *that is* 1*d*. *a house for every Sunday in the year, which cometh to* 4*s*. 4*d*. *or thereabouts for every house a-year, besides their offerings on All Hallows days, Christmas day, and Candlemas day, which also they were accustomed to pay to the said parson, as appeareth by the books of his reckonings and accounts of casualties which I have seen.* 3 Eliz.

Memorandum. —— Goodridge, Esquire, was buried in the chancel, in the fourth year of our gracious sovereign,

and his coat armour hung up, for the which his funeral the parson then took 3*l.* 5*s.* 4*d.*, as appears by his accounts.

Item.—The Queen's Commissioners, for ecclesiastical matters, sat in this parish, on whom the churchwarden bestowed a dinner, at the parish charge. 4 Eliz.

Memorandum.—That the churchwarden's accounts were now first written and engrossed into the book of accounts, which before were engrossed in rolls of parchment, Leveret's and Molton's accounts being the first that were engrossed into the book. 3 Eliz.

Memorandum.—That the great plague and mortality was in the fifth year of her Majesty's reign, whereof there were buried in this parish to the number of 468 persons.

Item.—There was tomb of brick, made in the churchyard by the churchwardens, anno 5th Elizabeth.

Brook's lease, of St. Andrew's Alley, was made and sealed in the fifth year of her Majesty's reign, the doing and making whereof cost 10*s.* Leveret and Molton then being churchwardens.

The gutters of the church were new repaired, to the charges of 20*s.* at least, by Leveret and Molton. 5 Eliz.

Mr. Tatam's lease was made and sealed also this fifth year of her Majesty's reign.

Memorandum.—That Fox's lease was made the sixth year, and that he paid for a fine, 40*s.*.

Item.—M. Brook paid this year for a fine, in part of payment, 3*l.* 6*s.* 8*d.*, when 3*l.* 6*s.* 8*d.* was to be paid, which after was paid, anno 7th Elizabeth, toto, 6*l.* 13*s.* 4*d.*

The long form in the church new made for the communicants, by Leveret and Molton, anno 6th Elizabeth, and cost 25*s.*

The mud wall in the church-yard was made also by the said wardens, and cost 45*s.* and 6*d.*, as appears by their accounts.

Memorandum.—The said churchwardens paid 12*d.* for hanging up Mr. Goodrick's arms in the quire, which the

parson should have paid, and it was allowed them in their accounts. 6 Eliz.

Memorandum.—I never find that any drinkings were made by the parishioners at the election of churchwardens, or giving up their accounts, until the sixth year of her Majesty's reign, by Leveret and Molton's accounts, when they were allowed 11*s.* for the drinking used at the election of Robert Fox and Richard Whitworth to be the next churchwardens, and 4*s.* 6*d.* at the making up of their accounts.

Item.—They were the first that I find to my remembrance that ever asked allowance for the sidesmen's dinner, at the archdeacon's visitation, which stood them 5*s.* at or for the giving up of their presentments to the official.

The parish clerks of the parish, Marshall and John Eles, had ever 40*s.* a-year wages, or were paid by the churchwardens, until it was agreed to the contrary, and that they should gather it by houses of every parishioner, particularly as now he doth. 7 Eliz.

Dr. Strange kept court in the church, and the parish bestowed his dinner which cost 6*s.* 8*d.*, Robert Fox and Whitworth then being wardens. 7 Eliz.

The Bishop of London kept his visitation at St. Bride's church, when the churchwardens and sidesmen appeared, and had a dinner which cost 5*s.*

The Venice carpet, for the communion table, and pulpit cloth, was bought by Mr. Fox and Whitworth, and cost 10*s.* 8*d.*, besides the lying and works thereof, which cost 13*s.* 8*d.*, buckram, fringe, and workmanship. 8 Eliz.

The parson, Mr. Whitlin, was summoned by Fox and Whitworth, the said churchwardens, to appear before the bishop. 7 Eliz.

The churchwardens, Fox and Whitworth, bought a tree of the parson, standing in the south church-yard, for 6*s.* 4*d.* which they bestowed about the church-works, and made boards of it. 7 Eliz.

Memorandum.—That this year there was a broken bell, to wit, the third in number, new cast by Hugh Walker, the bell-founder, at the charges of the parish, for that service in all, as I can gather by the accounts of, 9*l.* 15*s.* 1*d.* 7 Eliz. The same bell, weighing to the bell-founder when it was delivered to him, 13 cwt. 3 quarters and 10 pounds, and from the said bell-founder, when it was new cast and set up again, 14 cwt. and a half and 8 pounds, as appears in Robert Fox and Richard Whitworth's accounts, who besides, bestowed in their two years 40*s.* upon the repairing of the said bells, as is manifest in their said accounts; and note that this bell was new cast in anno 7th Elizabeth, and hung up and fully finished in anno 8th Elizabeth.

Note.—That in the 7th and 8th years of the Queen's Majesty's reign, there was a great death of the gentlemen of the inns of court and Chancery, of the which there died in the parish to the number of twenty or more, which were buried in this parish the next two years after the great plague, as appeareth in the register book of burials.

Memorandum.—There was a new pair of gates made in the church-yard, by R. Fox and Whitworth, anno 7th Elizabeth, the hinges whereof cost 11*s.* 4*d.*

Memorandum.—The said Robert Fox paid and allowed out of his own house rent due to the church, by way of estoppel, 4*s.* for the town ditch or common sewer, and also out of Brook's rent, which he received to the same ditch, 14*s.*, in all, 18*s.*, as appeareth by his accounts, anno 7th Elizabeth.

Item.—The said Robert Fox made a new pair of gates in the church-yard, which cost 10*s.* for iron-work and all.

Item.—There was another bell new cast, by Hugh Wadelow and John Bromley, churchwardens, at the parish charges, which cost, all charges included, 9*l.* 13*s.* 8*d.*, as appeareth by their accounts. 9 Eliz.

Item.—There was two years together an inquiry and certificate thereupon, made by the churchwardens, constable,

and sidesmen of all the strangers dwelling within the parish, unto the Lord Mayor of the city, as appeareth by the said Wadelow and Bromley's accounts, anno 9th Elizabeth and 10th Elizabeth.

Item.—There was a new pair of gates made in the church-yard, by Watson, carpenter, which cost, with the iron-work thereunto, 35*s.* 6*d.* See Wadelow's account.

Memorandum.—The Lady Vane was buried in the parish, anno 10th Elizabeth.

Memorandum.—Mr. Nowell, Dean of Paul's Church, gave to the church 8*s.* 8*d.*, at the burial of his brother, Mr. Nowell, of Gray's Inn, dying in this parish, and being carried to Paul's, and there buried, as appears in Richard Smith's accounts.

Memorandum.—The church wall about the south yard fell down, and was made up again with brick, in Mr. Smith's time, at the charges of the parish, as appears in his accounts. 11 Eliz.

Memorandum.—That Christopher Smith died the first year of his churchwardenship with Mr. Richard Smith, who after took the whole charge of the office upon him for the year; so did George Haland die churchwarden the last year of Queen Mary.

Note.—That the same eleventh year of this Queen many of the best and ancient parishioners departed this life, and were buried as it were together, Mr. Hunt, Mr. Kapper, Mr. Freeman, Mr. Whitfeld, Mr. Hammond, Mr. Smith, the churchwarden, with others, as appears in the book of accounts; and the next year Jeffrey Cliff died and was buried, and Richard Moon, as though they would live no longer when all their good fellows and friends were gone.

Memorandum.—That the new lofts round about the lower end of the church were built, anno 11th Elizabeth, by Ladyman and More, carpenters of this parish, in the time of Roger Smith, gent., churchwarden, at the parish charge, of money taken out of the church-box. The lofts were

built by Moore, and the pews in the side-lofts by Ladyman, the whole charges of the lofts, as I take it by guess of the accounts, came to 32*l.* 15*s.* 6*d.* or thereabouts, together with the breastings of wainscot, made around by Standly, in Broadley's time, and the whole charges of the pews in these lofts, as I can gather, was 11*l.* 6*s.* 5*d.*, whereof Mr. Smith paid 3*l.* 6*s.* 5*d.* in his accounts, and Mr. Wigam the next year, 8*l.*, as by his accounts appear.

Memorandum.—Mr. Smith made account of 20*s.* received by him for a legacy given to the church, by Mr. Richard Hunt, as in his will appeareth. 12 Eliz.

Memorandum.—The instrument of decrees for good order last published, was made by consent of the vestry, and confirmed under authentical seal of the Ordinary's official, Mr. Halban, this year, the fees or charges whereof was 56*s.* 8*d.*, Roger Smith and John Wigins then being churchwardens. 12 Eliz.

The pews in the lofts were first made this year by Ladyman, carpenter, and cost as is before said, 11*l.* odd money.

Memorandum.—That Mr. Smith, churchwarden, at the giving up of his accounts left nothing in the church-box, and got his accounts well allowed, as appeareth.

Note.—Sir Thomas Pagginton, Knight, died in the parish, in the thirteenth year of her Majesty's reign, but was carried into the country to be buried, and yet paid all funeral duties here.

Item.—Sir John Witherington, Knight, also died in this parish, and paid all funeral dues. 13 Eliz.

Item.—The bishop kept his visitation this year again, whereunto the churchwardens and sidesmen put up their answers. 13 Eliz.

This year the great Turk was overthrown, and many prayers and thanksgivings therefore enjoined by authority in all churches, to be had and made by books in this case published and bought. The book done, anno 8th Elizabeth, as in Fox's account appears.

Memorandum.—That in the thirteenth year of her Majesty's reign the church land now remaining was again called in question, by suit in the King's Bench, upon trial in ejectione firmæ, which suit continued two years to the great charges of the parish. It was begun by one Mr. North, brother to the Lord North, the said thirteenth year of her Majesty, Mr. Wigins then being churchwarden, but tried and ended in the fourteenth year of her reign, John Langton being warden; the charges of which suit, partly paid by Mr. Wigins, partly by Langton, partly by Cooper or Molton, was, as I can guess by recollection, 23*l.* 14*s.* 2*d.* at the least, if not more.

This thirteenth year also there was a child found in the church-yard alive, which was christened by the churchwardens by the name of Andrew Holborn, and so preferred to the hospital.

Memorandum.—That the table of church duties, belonging to the parson and churchwarden, clerk and sexton, was devised, made, and published, this year by Mr. Smith and Mr. Wigins. 13 Eliz.

Memorandum.—John Langton, churchwarden, in his time received 5*l.* 4*s.* 8*d.* for pews in the lofts and elsewhere in the church. 14 Eliz.

Memorandum.—That the said Langton, without leave of the parishioners or consent of the vestry, nay even against the mind of the parson and most of the parishioners, sold away the great organs given by Mr. Whyte, and for the which the parish paid 5*l.* to young White, and was at great charges for a loft to set them upon, not long before he pulled down the loft, I say, and sold these fair organs and excellent instrument for 10*l.* 10*s.* unto the Dean of Westminster, for the minster church there, where now they stand, and cannot be bought for any money, so highly they are esteemed of for their goodness, as the second pair in or about the city.

Memorandum.—Also that the said John Langton and

John Cooper in their times, without all warrant, yea contrary to law, pulled down the standing font of stone in the church, and sold away the lead thereof, and instead thereof, after their very fantasy, they caused a little remaining salt seller, or thing with a basin therein, to hold a little water, to be new made and set in the church, which, together with a removing pulpit, stood the parish in 44*s.* 4*d.* and better, besides the painting, which cost also 10*s.*, and the basin, 2*s.*, in all, as I can gather, 3*l.* odd money.

The removing pulpit was now first made and set up by the said Langton, which, without the font, cost above 50s.

The suit of the church lands was tried by Nisi Prius, out of the King's Bench, in Guildhall, this year, and found for the parish against Mr. North, by good verdict, whereof the exemplification remains in the church treasury. To God therefore be given all praise and glory. 14 Eliz.

Memorandum.—That the women's pews, as I take it, were this year, in Langton's time, new faced and heightened by Ladyman, carpenter. See the accounts, the charge thereof, as I can gather, came to 7*l.* 6*s.* 11*d.* 14 Eliz.

Memorandum.—That the account of the said John Langton was not well liked of, when he came to give it up, neither would it be received of the parson and parishioners a great while, until, at the instance and request of some honest men, made on the said warden's behalf, and at their own humble submission, unto the parson and all the assistants of the vestry present, it was with much ado at the length allowed, for such as in them lay, to allow the same, and for the time only so far forth as law did or would hereafter allow thereof, as appeareth by a subscription, made in latin, at the foot of the said accounts, written and devised by Mr. Ralf Whitlyn, then parson of the said church.

Memorandum.—That this year of anno 14th Elizabeth, the parish lent John Bromley, shoemaker, 5*l.* out of the

church-box, which he paid unto John Cox the next year, as appears in Cox's accounts.

Memorandum.—Mr. Richard Hunt, that now is having been convented by the churchwardens, Cox and Molton, before Dr. Strong or the official, was enjoined by order then taken, to pay 2*s.* unto the churchwardens, to the use of the church-works, according to his uncle Hunt's will, registered in the church-book of accounts. This 2*s.* Cox, in the name of a legacy so paid accordingly, as in the accounts of the said Cox appeareth, but never as yet hath he paid any of his uncle's legacies, given to the poor of the parish according to this will, though he hath been often called upon therefore and for the performance thereof, by continual presentments to urge the same as much as is possible. 15 Eliz.

Note.—*That one Mr. Copston, a gentleman of Gray's Inn, being slain at Fleet Bridge, or Ludgate Hill, was this year buried in Gray's Inn Chapel, at whose burial and sermon there was assembled so many people as I never saw the like in the church to my remembrance.* 14 Eliz.

Memorandum.—The diaper cloth for the communion table was bought in Cox and Molton's time, and cost 10*s.* 4*d.* 15 Eliz.

Memorandum.—Also that the two fair communion pewter pots were bought by Cox and Molton, which cost 11*s.* 6*d.*

Item.—The belfry window new glazed, by Horsley, in said Cox's time, and cost 31*s.* 6*d.*

Item.—This year the church lent John Bromley again 5*l.* out of the box for a year; Ralph Lost, William Bradley, and John Langton, being his sureties for to repay the same, as appears in the foot of Cox's accounts. 15 Eliz.

Memorandum.—That Richard Hunt, for the legacy of the poor, given by his uncle in his will, and Wadelowe, for his misbehaviour towards the parish, were this year convented, or summoned by the churchwardens, to appear before Dr. Hamond. 16 Eliz.

Memorandum.—That the vestry was new enlarged, the chimney made therein, the window glazed with casements, and the lead over the same new cast, with other things therein, as table, ceiling, colouring, and such like, were all done and finished by Ladyman, carpenter, and Hilton, bricklayer, &c., in Jno. Molton's time, and Robert Ladyman's, then churchwardens; the charges whereof, as I can gather, came in all to 13*l.* 15*s.* 10*d.* or thereabouts: that is, for the iron-work, 15*s.* 6*d.*; 9*l.* 4*s.* the brick-work, glass, and lead; and 4*l.* 11*s.* 10*d.* the carpenter's work and tiler. See Molton's accounts; besides 3*s.* paid in Ladyman's time for colouring the boards about the walls; besides 17*s.* 3*d.* paid him the said Ladyman, as his account upon an odd reckoning which he then claimed, which made it 14*l.* 18*s.* 10*d.* 17 Eliz.

Memorandum.—That this year the church was in debt unto the said John Molton, churchwarden, in the sum of 17*l.* 3*s.* over and besides that he received, as appeareth at the foot of his accounts. 16 Eliz.

Memorandum.—Also that this year was left in the church box, 8*l.* on Molton being paid, which 8*l.* was lent by the vestry unto Robert Ladyman and John Bromley, to be answered again at the next account of the churchwarden, after Christmas.

Note.—That the said Ladyman, that borrowed the said money, was thenchurchwarden, and had served a year, and the next year was to be senior churchwarden; the which 8*l.* was paid at the year's end, as appears in Ladyman's accounts.

Memorandum.—Ladyman and Bradley, like ill husbands for the church, sold eleven gravestones out of the church, for 33*s.* 4*d.*, which if every churchwarden should use to do so, there would be but a few fair stones left in the church; and the next way, to put the church still to great charges, for paving with small stones that will never last so long; nay, I doubt whether the churchwardens, by the law, may

sell any such things or no, out of the church, since therein they do great injury to the dead, at whose charges they were dedicated, for the profit and beauty of the church; and truly it doth utterly discourage many otherwise well minded to bestow money largely that way, when they see such abuse and defacing of monuments used by these that most should like to maintain the same, done by her Majesty's special commandment, as appeareth in her proclamation for this cause specially published. 17 Eliz.

Memorandum.—The church was new whited and coloured within in Mr. Bradley's and Fox's time which stood the parish in 3*l.* or 4*l.* 18 Eliz.

Memorandum.—Also, that Horsley, the glazier, in his time, had 3*l.* 12*s.* for glazing three new windows and leading and staving six old windows, as appears in Bradley's accounts.

Memorandum.—There was a new communion cup bought this year which cost 6*l.* 17*s.* 5*d.* 18 Eliz.

Memorandum.—This year there was 40*l.* lent out of the church-box to Father West upon his obligation, which debt he never paid, but had his obligation re-delivered unto him cancelled and the debt forgiven, in Mr. Bishop's time. 18 Eliz.

The mud wall next Mr. Aylworth's garden, between Thavies Inn and the church, was new made, at the parish charge, in Robert Fox's time, to the sum of 8*s.* 4*d.* 19 Eliz.

Note.—That the paving of the lane and street before the church, to wit, for 16 score and 8 yards, cost in all charges 8*l.* 16*s.* or thereabouts, in one year, viz. in Robert Fox's time, as appears by his accounts, and seemingly every third or fourth year it stands the parish in a great deal of money, to the great impoverishing of the church, which by such extraordinary charges cannot come to such perfection of beauty and comeliness, nor to be of right sufficient cleanly and wholesomely for so great a people as this parish doth afford quick and dead, as indeed is to be required; where-

fore I could wish that there were some convenient shops made round about the walls, as in other places in London is wisely provided, the rents and profits whereof would very much suffice to defray so great and continual a charge of paving, and also help well to further the church works from time to time. 18 Eliz.

Memorandum.—That the Bishop of London, Elmer, as I take it, kept his first visitation after he came to the see in this year whereto the churchwardens and sidesmen were called. 19 Eliz.

This year the book of common prayer for the Queen's Majesty to be read on the 17th day of November, being the memorable day of her first entering into the crown, was published and commanded to be used in all churches. 19 Eliz.

This year there was a new service book bought for the church by Robert Fox, which cost 7*s*. 19 Eliz.

Memorandum.—Mr. Ricard being churchwarden 30th December, was not at the drinking made, but afterwards was called to take the same office upon him, at which time there was another drinking made, as appears in Robert Fox's accounts. 19 Eliz.

Memorandum.—The three silk cushions in the church were made by Mr. Price, churchwarden, and cost in all 9*s*. the making and stuffing them out, they being the church's before. 20 Eliz.

Memorandum.—This year Mr. Price and William Ricard, churchwardens, were cited before the bishop, for the old font pulled down, and other such like things done, contrary to the Queen's injunctions. 20 Eliz.

Memorandum.—That the ingrossing of Robert Fox's accounts into the book was never paid for, as appears entered at the foot of his own account 3*s*. 4*d*., and again 3*s*. 4*d*. in Mr. Price's accounts, so likewise was Mr. Price's account never paid for, as appears in his own and Mr. Ricard's accounts.

Memorandum.—That Mr. Price took carpenters and bricklayers and made a survey of all the church tenements in his time. 20 Eliz.

Memorandum.—The said Mr. Price first made the pew for the poor in the lower end of the church, which cost 13*s*. 11*d*.

Mr. Dr. Longworth, Dean of ————, died in the parsonage house, the 22d year of her Majesty's reign.

Memorandum.—Mr. Ricard sold two grave-stones out of the church, for which he took 40*s*. 21 Eliz.

Memorandum.—Mr. Porter, the new parson, took possession of the church the 15th day of March, in Mr. Ricard's time. 21 Eliz.

The Queen Majesty's arms now standing in the glass window of the high chancel were first set up at the parish charge by Mr. Ricard, churchwarden. 21 Eliz.

Memorandum.—*The window in Gray's Inn chapel was made up with brick half way, and new glazed and leaded, &c. by William Ricard, churchwarden.* 21 Eliz.

Item.—There was as much glass repaired in the church windows this year, by Mr. Ricard, as came to 20*s*. *besides the window in Gray's Inn chapel, which cost* 16*s*. 3*d*. *the glass.* 21 Eliz.

Memorandum.—That the vestry was again this year re-edified, and the lead taken away that covered it, and another roof of tile put over the same, with a gutter of lead, and the window covered with lead, at the charges of the parish only to the sum of 11*l*. 19*s*. 2*d*. The lead over the same vestry Ladyman had in exchange for tiles and workmanship, but this was not the best husbandry, as well hath appeared since, and more hereafter will, to the further charges of the parish if it be not leaded again in time, as it is to be wished it might, for our forefathers that bestowed such cost both within and without the church, knowing well that a thing once well and substantially done is, as they say, twice done; but now happy is he who can live by the

church and hold by the church, the tenure is good and the maintenance maketh merry, but, &c.

Note.—The sidesmen's supper, in William Roper's time, cost 26*s*., as appears in his accounts, so did their dinner in Mr. Perrin's time. 22 Eliz.

Memorandum.—The basin in the little font, now fixed thereto, cost 3*s*. 6*d*.; it was bought of Mr. Adenson; the remaining basin, with rings taken away, and this now affixed thereto, by Mr. Roper, churchwarden. 23 Eliz.

Memorandum.—That the articles from the Privy Council concerning Papists, Recusants, and Jesuits, was published the 22d year of her Majesty's reign, whereunto the churchwarden and sidesmen were sworn to make their answers quarterly.

Memorandum.—*The first five pews standing in Gray's Inn chapel were made by More, joiner, above Bars, at the parish charges, in Mr. Rich's time, and cost* 5*l*. 15*s*. 1*d*. 22 Eliz.

Item.—*The first three pews in Lincoln's Inn were made by Dalwin, carpenter, at the assignment of Mr. Heryn, then churchwarden, and cost the parish* 5*l*., *which eight pews cost in all* 10*l*. 16*s*. *and better, as appears in Mr. Roper's accounts.* 22 Eliz.

Memorandum.—That a vestry holden 8th Martii, 1580, but without the consent or presence of the parson or his deputy, the minister gave notice that Father West had his obligation of 40*s*. re-delivered unto him, which he borrowed out of the church-box, at the giving of Mr. Bradley's account, which was anno 19th Elizabeth, so after he had the use or loan thereof four years the debt was discharged for so much as then lay to do it.

Memorandum.—Paid by Thomas Peryn, churchwarden, at the crown, for calling an inquest to view the body of a dead child, found in the church-yard the 13th February, 1581, the sum of 13*s*. 4*d*. This charge was borne by the parish, and is a rare precedent.

Memorandum.—This year Humphrey Parks, one of the sidesmen, upon some occasion offered by like of himself, through words past him, was arrested into the King's Bench, to answer a suit there commenced against him by the Earl of Bath, or in his name, for a presentment made by the churchwardens and sidesmen that then were, against the Lady Fitzwarren, his mother, supposed to live uncharitably asunder or apart from her husband that then was, whose charges of the said arrest came to 3*s.* 4*d.* which was repaid him by Thomas Peryn, then warden, who had the same also allowed him, as in his account appears.

Memorandum.—The new great Bible, called B. Parke's Bible, with a service book, bought this year by Thomas Peryn, churchwarden, and cost the parish 3*l.* 23 Eliz.

Memorandum.—This year Thomas Bentley, parishioner, gave the great Table of the Commandments, Law, and Gospel, to the church, which was hung up in the high chancel, according to the Queen Majesty's injunctions in that behalf, by Mr. Peryn, churchwarden. 23 Eliz.

Memorandum.—This year Mr. Peryn received a book called Calvin upon Job, by order of judgment definitive given against a certain person convicted of incontinency in the Consistory of Paul's by Dr. Stanhop, to be set up in the church, which the said Peryn did accordingly upon a desk of iron, with a chain of iron, but afterwards, in Mr. Cowper's time, the said book by negligence of the clerk and sexton was stolen out of the church. 23 Eliz.

Memorandum.—That Mrs. Alice Bullingham, wife of Dr. Bullingham, now Bishop of Gloucester, was buried in this parish the 13th day of May, anno 1581.

Memorandum.—That in Thomas Peryn's time, churchwarden, there were many legacies given to the poor of this parish, to the sum of 4*l.* odd money, as appeareth in his accounts at the latter end.

Item. Memorandum.—That in his time the account for the money or alms collected for the poor at all the commu-

nions in the year was first made and ingrossed into the books of accounts, as appeareth, together with the payments and distributions made thereof by him to the said poor particularly.

Memorandum.—The carpet of green broad cloth was bought by Thomas Dalander, churchwarden, for to cover the communion table on Sabbath days, and cost the parish 32*s*.

Memorandum.—The Book of Martyrs also was bought and set up upon an iron desk in the church by the said Dalander at the parish charge of 36*s*. 24 Eliz.

Item.—The stand-dish of pewter for the vestry was bought by these churchwardens.

Memorandum.—The two parchment tables, in written hand, containing the ecclesiastical laws and injunctions of the law appointed to be read and set up in churches, were made by Thomas Bentley, of this parish, and given or dedicated by him to the use of the church for ever, together with the frames, as they hung and were set up by the said Thomas Dallendar, then churchwarden, 1582.

There was another view taken of the church tenements, in St. Andrew's Alley, for the reparations to be done by Campbell, and warning given him accordingly, thereupon by the said Dallendar, and Mr. Cowper, then warden. 24 Eliz.

Memorandum.—That this year the money for bread and wine, spent at all the communions in the church, was first levied out of the church box, and borne at the common charges of the parish, according to the laws in that case provided and set down, in the book of common prayers, established by statute, but not with much order, for that the custom ever till then was to pay for the same out of the money collected at communions for the poor, who commonly had no more thereof but that was left after the bread and wine paid for, which order and custom, because it was flat against the laws, and to the defrauding of the poor, therefore, upon better advice, it was thought good it

should now at length be broken and abrogated. The money that at this time was paid out of the box, for bread and wine, came to 3*l.* 16*s.* 2*d.* 24 Eliz.

Memorandum.—*The middle aisle between Staple Inn and Bernard's Inn pews, was all new laid and paved by Mr. John Cowper, churchwarden, at the parish charge of* 15*s.* 4*d. as appears in his accounts.* 25 Eliz.

Memorandum.—All the great heap of dead men's bones and skulls, that lay unseemly and offensively at the east end of the church, were all this year buried in a pit, by the said Mr. Cowper, warden. 25 Eliz.

Memorandum.—Also, that this year, the said Mr. Cowper, together with the consent of the best parishioners, retained a preacher called Matthew Heaton, to preach, and catechise the youth of the parish, for two years, allowing him a salary of 20*l.* yearly, to be gathered of the parishoners.

Memorandum.—The long desk, or frame, with four desks, was made by Standley, and set up in the church for the children to stand unto, when the exercise of catechising on Sundays, after evening prayers, was used in the church, and it cost 10*s.*

Memorandum.—Also, that the church was this year new whitened and coloured with red lead all over, as well in the chancel, for which the parson got accounts to the sum of 28*s.*, as also beautifying the body of the church, all the charges whereof paid to him was 5*l.* 15*s.*

Memorandum.—This year the churchwardens, by order and consent from the mayor, provided red wands to be carried in the hands of such as were infected of the plague, and went abroad.

Memorandum.—*That this year also, in the month of July,* 1583, *all the glass windows in the church, especially the window in Lincoln's Inn chapel, a little before new glazed with many fair coats, or escutcheons, of arms emblazoned at the only charges of Mr. Steward, that married Mrs. Campion, of this parish, and late deceased, were pitifully shaken,*

rent, and broken down, as all the houses round about that part of the parish almost were, with the monstrous and huge blast of the gunpowder, that lately was set on fire, and blew up all the gunpowder house, and other tenements in Fetter Lane, to the destruction of many houses, and spoil of much goods thereabouts, yea, and to the death of one or two men.

Memorandum.—*That the standing pulpit was this year removed from the pillar by Staple Inn pews, and placed where it now standeth, in the chancel pillar going up by the old stairs, which were long since shut up, and now opened for the purpose.* 25 Eliz.

Memorandum.—That Mr. Martin, the attorney, and of Barnard's Inn, gentleman, of his liberality and good-will to the parish, gave a fair long cushion of green velvet, lined with purple tafity, and tasseled with four tassels of silk, edged likewise with silk fringe, unto the church, to be used only on Sundays, and festival days, with this embroidered upon it in gold, Deo et Ecclesiæ, R.M. 25 Eliz.

Memorandum.—That the nine new pews of wainscot round about the chancel, were, by the consent and license of Mr. James Porter, then parson, and by agreement of all the vestry, made and set up this year against Christmas, at the charges of the parish, by John Atkins and Thomas Humphries, of Aldgate, joiners, who, for the wainscot and workmanship only, amounting in all to 183 yards of the best work, in benches, kneelers, leaners, and doors, had for their parts 43*l.* 18*s.*; besides that, the charges of floors and . . . . deal boards, iron works, &c., which came to 8*l.* 10*s.* 8*d.*, so that the whole charge of these new pews this year, made for the ease of communicants . . . . . of parishioners, and beauty of the church, came in all to 52*l.* 8*s.* 8*d.*, or thereabouts, as I can gather by the said Mr. Cowper's accounts. 25 Eliz.

Item.—The bread and wine spent this year at communions, was now the second time paid out of the church box,

as appears by the said Mr. Cowper's accounts, which came to 40*s.* 10*d.* 25 Eliz.

Memorandum.—That at a vestry held the . . . day of . . . , the parishioners were taxed, rated, and assessed, by their names in a book for that purpose, made to pay their proportion once a-year, towards the finding of bread and wine at the communions, once a-year, as it is commanded and appointed by the rubrick, in the book of common prayer, established by statute. By the which book of taxation, subscribed by Mr. Bancroft, their parson, and the rest of the assistants, Thomas Bentley, then churchwarden, first made such part of the taxation, and began to put the same in practise accordingly, gathering thereby, and thereof, in his time 14*s.* 11*d.* of the parishioners towards the bread and wine then to pay. 26 Eliz.

Item.—This year, to wit, at the Archdeacon's visitation, holden in January, 1584, the said Archdeacon first published articles, to be inquired of by the sidesmen concerning the said provision and taxation, for the bread and wine, according to the book of common prayer, as appeareth in his articles then manifested, and still extant, for all to read the same, and to be satisfied of the law in this point.

Memorandum.—This year the said churchwardens set up a book called Jewel's Works, in the stead of Calvin upon Job, that lately was stolen away, which book of Jewel's Works, the said churchwarden gave of his own good will to the church, and prayeth that it, together with the rest of the books now orderly placed in the church, to the great charges of the parish money, be carefully and diligently preserved and looked into.

Memorandum.—That the said churchwarden was the first that took money as a church duty, for one buried in a coffin in the south church-yard, as appears in his accounts.

Item.—The said churchwarden, in his time, received 3*l.* 19*s.* 8*d.* for pews, as appeareth by his accounts.

Item.—The said churchwarden received in his year, at

twenty-eight public communions, the sum of 8*l.* 11*s.* odd money.

Item.—The said churchwarden, and his partner, Mr. Cowper, were the first that made account of money received for distresses, or penalties, levied of such parishioners as were absent from church, or otherwise misbehaved themselves in time of common prayer and sermons, at home or in the church, according to the laws in that case provided, as appeareth in both their several accounts.

Item.—The said churchwarden, Thomas Bentley, was the first that made collection, or gathered money of the parishioners for bread and wine, by the book of taxation and assessment made in his time by Mr. Bancroft, parson, and the other assistants of the vestry.

Item nota.—That the said churchwarden in his time received three canonical portions and mortuaries, corse presents or funeral charges of gentlemen that died in the parish, and yet were transported elsewhere into the country, to be interred or buried by their friends.

Memorandum.—The leaves which were lewdly cut out of the Books of Martyrs the last year, in Mr. Cowper's time, by some ungodly enemy, were this year put in again, so many as were to be found lost and uncarried away by the said Thomas B., churchwarden.

Item.—This year the copper branch, with sundry snuffs or candlestick, weighing twenty-three pounds, which cost after 6*d.* a pound 11*s.* 6*d.*, was bought and hung up in the church, for lights at services in the winter nights. 26 Eliz.

Item.—This year, the new wainscot communion-table, with turned posts and carved frame, with two ends to draw out and lengthen the same, was first bought, and set up in the chancel to beautify the same, suitable to the new works of the rest of the pews lately set up by Mr. Cowper. 26 Eliz.

Item.—The standing plate of pewter, to contain the communion bread on the table, before the administration

thereof, was this year bought also, together with the mallet of box, turned, to call in the vestry. 26 Eliz.

Memorandum.—This year there was a woman child found alive in the church-yard, which was christened by the name of Aminita Andrea; and after kept a while at the parish charges, and conveyed into the hospital, where it died within short while after. 26 Eliz.

Memorandum.—*That the new door of stone and wainscot, in Lincoln's Inn chapel, leading to the south church-yard, was made this year*, by consent of the vestry, for the ease of the parishioners, gentlemen, gentlewomen, and others, placed in the new pews in the chancel and isles, which done, all charges received, stood the parish in 4*l.* 3*s.* 11*d.*, as appeareth more particularly in the book of accounts. 26 Eliz.

Memorandum.—That the two pews, wherein Mrs. Payne and Mrs. Bartlett now are set, together with the two wainscot pews where Mrs. Aylsworth and Mrs. Cooper are placed, were this year also new added, to Mr. Peryn's pews, made in his time, and now first made for Mrs. Aylsworth, at the charges of the parish for the most part, save that Mr. Aylsworth gave towards his wife's pew 50*s.* The charges of these four pews, as appeareth by the accounts, was above 7*l.*, whereof Mr. Aylsworth, as I said, paid 50*s.* for his wife's pew, so they stood the parish but in 4*l.* 16*s.* 26 Eliz.

Note.—*Also, that the new pews for Staple Inn were made this year against Christmas, at the charges of the house, of* 23*l. or thereabouts. And this year, also, the principal of Barnard's Inn bargained for as many pews for that house, for* 21*l.* 26 Eliz.

Memorandum.—That the collector's pew beneath Bars was this year re-edified and enlarged for their ease at services, as appeareth by the accounts. 26 Eliz.

Note.—Also, this year there was a general remove and placing of the parishioners in their pews, made with a plat-

form, in paper, of all the same pews in the church, containing the roll or catalogue of all the parishioners' names as they sat, which remaineth in the vestry. 26 Eliz.

Memorandum.—This year the charges of and about the bells stood the parish in 11*s.* 6*d.* 26 Eliz.

Memorandum.—That this year both the north and south yards were repaired, the alleys cut and paved, and twenty-four loads of gravel laid and spread in all the alleys thereof, leading to the church on both sides, to the charges of the parish, of 43*s.* 1*d.*, as appeareth by my accounts. 26 Eliz.

Item.—This year the north side of the church, with the porch, was new tiled or pointed, to the charges of 23*s.* 1*d.*, as in my accounts. 26 Eliz.

Memorandum.—Also that this year the two whole windows on the north side, at the end next the belfry or steeple, were all new glazed, so was the window at the west end in the belfry, towards the south church-yard, all new glazed, and likewise the next lowermost window on the south side, almost all new glazed, together with all the rest of the windows in the church (save the chancel windows, and Mr. Steward's window), which were all on the north side taken down, and new scoured and leaded as the others in the south side, from the old door and wainscot pews, were taken down, and new leaded and framed, to the charges of the parish, but of 4*l.* 19*s.* 3d., as appeareth by my accounts. 26 Eliz.

Memorandum.—Also that this year the glass window *of Lincoln's Inn Chapel, at the east end thereof, which was lately set up by Mr. Augustine Steward, at his own charges, containing all his coats of arms, which was sore broken and defaced with the gunpowder clap at the firing of the gunpowder house in Fetter Lane, was again by him, and at his own charges, new mended and made perfect in every part thereof.* 26 Eliz.

Memorandum.—Also that this year, against Christmas,

the old middle door, on the south side of the church, which had so long stood shut up at the making of the men's new pews before it, was now, by Mr. Parson Bancroft's consent and advice, pulled down, together with the stone-work thereof, to be transposed and new set up again in the porch on the north side of the church, the which after the hole in the south side stopped up, was done accordingly; and the lattice and wooden door of the porch clean taken away, and the said stones and door set up in the place thereof, at the parish charges, all things reckoned, of 48*s.* 6*d.*, as by the accounts more particularly appeareth. 26 Eliz.

Memorandum.—That, at the same time, the new wainscot doors, with two leaves, to the church, within the porch, were this year first made, against Christmas, and the old taken away, which new doors cost but four nobles.

Memorandum.—Also, that this year, against Christmas, the north side of the church and porch sore battered with weather, was, for the better safeguard thereof, and beauty of the church, new roughcast with trowel and morter, laid upon lime and hair; and all the bars of the church windows on the side made red; and the arches of those windows new whitened over, for the better setting forth of the new glass and roughcast, at the parish charges, not past 46*s.* 6*d.*, as appeareth in the accounts. 26 Eliz.

Memorandum.—Some part of the debt due for bread and wine was paid by the said churchwarden, of the money gathered by him upon the book of taxation lately made by the vestry.

Memorandum.—This year, also, according to the last covenant of the old indenture provided, there were new conveyances made for the church lands assurance, by the advice, counsel, and direction of Mr. Serjeant Shuttleworth, who prepared and engrossed the said writings, being in number five, to wit, first, a deed of confirmation, made by the parson, then being Mr. Richard Bancroft, unto the old feoffees, then alive, for the enabling of them to enfeoff

others. Then a pair of indentures of covenant, to lead the use of the feoffment that was to be made; and, lastly, the deed of feoffment, made by the old feoffees unto the parson and new feoffees, which deed was also bipartite, all which stood the parish, drawing and engrossing, 33*s*. and 4*d*. See the accounts. 26 Eliz.

Finally. Note.—That this year the two memorable feasts of our gracious sovereign, Lady Queen Elizabeth, to wit, her grace's birth-day being the 7th of September, and her highness's coronation day, or of her Majesty's first entrance into the crown and kingdom, being the 17th day of November, were both this year now first solemnized in the church, with prayers and thanksgivings, made in behalf of her Majesty, by the poor of this parish, who were invited or convented there to assemble themselves as upon those two days especially for the purpose, and to receive alms of the parish. 26 Eliz.

And note.—That on the feast or birth-day, in memory of her Majesty's age, which then was fifty-two years since the time of her birth, there were fifty-two old women of the greatest age in the parish assembled, who, after prayers and thanksgivings by them heartily made for her Majesty's long life and prosperous estate, solemnly and reverently received at a maid's hands then ready for the purpose, every one a spice cake, a draught of wine, and 2*d*. in money; and so, after a form of thanksgiving unto God, made together of them all after Mr. Heaton, they departed. The alms this day given was 17*s*.

Note also.—That on the second day of her Majesty's entrance, in memory that her grace had now reigned, or was entered into the twenty-seventh year, there were twenty-seven of the most aged women of the parish again assembled in the church, together with twenty-seven young maiden children of the same parish, who likewise, after public prayers earnestly made for her Majesty's long and prosperous reign over us, solemnly received at the hands of the

maid aforesaid and the two churchwardens, a spice cake, a draught of burnt claret wine, and 3d. a-piece the old women and old maids; and a cake, and a draught of claret wine, and 1*d.* a-piece the young maiden children; and so, after prayer and thanksgiving again solemnly made for her Majesty with wistful hearts, and thanks, and devout minds, they all departed in God's grace home to their houses, expecting (if so please God) the continuance of so good an exercise to the glory of God, the parish credit, and their relief, that by this means many prayers and thanksgivings unto God may be continually made of many for the continuance of his manifold and great blessings many years to endure upon his church, our queen, and realm.

To conclude, note.—That there was this year given, by the churchwardens particularly, to certain poor folk and distressed persons, 3*l.* 14*s.* 2*d.*; and there was also given, generally, at Whitsuntide and Christmas, according to the order appointed, to all the poor of the parish, at their houses, 6*l.* 16*s.*, besides 5*l.* 6*s.* 8*d.* that was likewise given at these two feasts to the said poor, of legacies given by others, as namely, by Mr. Wilkes, some time a parishioner of the parish, and such like; so that the whole sum given and distributed this year by the churchwardens to the poor people of this parish was in all 15*l.* 16*s.* 10*d.*, or thereabout. God be honoured, therefore, and increase the charitable minds and compassionate hearts of his people to persevere and continue in well doing to the end, that men, seeing their good works to proceed from a lively faith in Jesus Christ, the works and the rewards may glorify him in verity, that is, to be worshipped and praised in all eternity. Amen.

Memorandum.—That this year there was another woman child found, left at Mrs. Peryn's door, which was kept at the parish charge; and, being first christened and named by the churchwardens Agara Zubabilime, it was at the last admitted to be taken in the parish hospital; but, before it

went in, it died in this parish, and was buried, as appeareth by the church-register; the getting in of which child into the hospital cost the collectors of the poor 52*s*. remains of their accounts, which was more than was put into the hospital by any collectors a great while.

Memorandum.—I have observed, in writing out the book of weddings, christenings, and burials had in this parish, that there hath been, from the 13th day of October, in the thirtieth year of King Henry VIII., from which time the said book hath his commencement and first beginning, by his Majesty's instructions then first published, unto the last day of his reign—that is, for the space of six years and better—as I could find by imperfect records, to the number of 181 couples married in this parish, besides those of which I can as yet find no record or memorandum left.

Item.—Of weddings by the same book had in King Edward's time, I find that, in five years and odd months, there were 190 couples married in the same parish.

Item.—In all Queen Mary's time, as yet I can find no record or register kept of any wedding; belike it is lost through too much negligence of the ministers and officers of the church.

But note.—That I find reasonably perfectly, that in the time of our gracious sovereign lady, Queen Elizabeth, there have been married, in the space of twenty-six years and odd months, to the number of 1,029 couples, leaving, at the 17th day of January, 1584, at which time my office of churchwardenship determined; so that the whole number of the weddings or marriages solemnized in these three kings and queens' time, amount in all, if I have not misreckoned them, to 1,300.

Memorandum.—Also, That from the 11th day of October, anno 30th Henry VIII., unto the last day of January, anno 38th Henry VIII.—that is, for and within the space of seven years and odd months—there were 429 children christened in this parish.

Item.—From the last of January, anno 1st Edw. VI., unto the 21st day of June, in the seventh year of the said king—that is, within the space of six years and odd months—there were 444 children christened in this parish.

Item.—From the said 21st day of June, anno 7th Elizabeth, to the 16th day of November, anno 6th Mary—that is, for the space of five full years and odd months, there were 269 children christened in this parish.

Item.—From the 16th day of ——— anno 6th Mary, to the 18th day of January, in the twenty-sixth year of our gracious sovereign lady, Queen Elizabeth—that is, for the space of twenty-six full years and odd months—there were christened 2,159 children in this parish; so the whole number of the children christened in this parish in these kings' and queens' times—that is, for the space of forty-seven years past, or thereabouts—is in all (if I fail not) 3,401.

Note.—Also, Of these 3,401 there were forty couples called twins, born in this parish—that is, thirteen couples of women-twins, fourteen couples of men-twins, and one three at a birth, and twelve couples of male and female twins, as in the register more plainly appeareth.

Memorandum.—Also, That from the 30th day of September, anno 30th Henry VIII., to the 22d day of January, in the thirty-eighth year of his reign—that is, for the space of eight years almost—there were to the number of 1,302 persons buried in this parish.

Item.—From the said last year of King Henry VIII. to the last year of King Edward VI.—that is, for the space of seven years almost—there were likewise buried of men, women, and children, to the number of 738 persons.

Item.—From the said last of King Edward VI.—that is, from the 29th of Jan. 1553, unto the last of Queen Mary's reign (which was A. D. 1558), and within the space of six years almost—there were interred or buried to the number of 417 persons.

Finally, note.—That from the 17th day of November,

A. D. 1558, unto the 31st of October, 1584—that is, for and within the space of twenty-six full years and odd months—of her Majesty's reign, our gracious Queen Elizabeth, I reckon there have been buried (if I fail not in my account, or computation) to the number of 3,575 persons in this parish, or thereabouts; whereof (as I conjecture) there have been buried of the plague in one year—viz. in the first year of her Majesty's reign, when the great plague was, (to wit, from the 1st day of June. anno 1563, unto the 1st day of March in the same year)—to the number of 468 persons, besides many such in divers years, as appeareth in the book of burials more at large.

So that the whole number of all the people buried in this parish since the thirtieth year of King Henry VIII. unto this day—that is, from the 30th of September, A. D. 1538, unto this present year of our Lord 1584, and the last of December in the same year—viz. for and during the reigns of these four kings and queens—amounting in all to forty-six full years, and better; there have been buried in all (I say as I reckon) to the number of 6,233 persons, or thereabouts. —See the register more at large.

And note.—That of these 6,200 and odd persons buried since anno 30th Henry VIII., there have been out of Gray's Inn sixty and odd gentlemen buried, and out of Lincoln's Inn about thirty-eight; out of the two Temples, three, and of Clifford's Inn one gentleman, buried in this parish; and out of Staple Inn, eleven gentlemen; out of Barnard's Inn, twenty-three; out of Davis Inn, twelve; and out of Furnival's Inn, twenty-five. In all, out of the said three inns of court and four houses of Chancery, buried to the number of 172 gentlemen; besides three lords or barons, two ladies, two knights, six squires, and sixty other gentlemen — whereof, perhaps, some were of the said inns of court or Chancery, if I could have found them so registered—in all, eighty-three persons.

TRANSLATED EXTRACTS

OF

ANCIENT RECORDS

RELATING TO

GRAY'S INN.

Inquisitio post mortem of Reginald Grey.

Anno 1 Edw. II.

Amongst the Inquisitions in the Tower of London, of the first year of the reign of King Edward the Second.

An Inquisition taken before the Escheator of the Lord the King, on Monday, on the morrow of the close of Easter, in the first year of the reign of King Edward, son of King Edward the First, at Purtepole, concerning the lands and tenements of which Reginald le Grey was seised on the day on which he died, in his demesne, as of fee in the county of Middlesex, by the oath of Thomas de Meldebourne, (and others,) who say upon their oath, that the said Reginald le Grey was seised at Portpool, on the day on which he died, of a certain messuage, with gardens, and with one dove-house, which are worth by the year beyond reprises ten shillings; also

they say, that there are there thirty acres of arable land, which are worth by the year twenty shillings, price the acre eight-pence; also they say, that there is there of assize-rent 22*s*., payable at two terms of the year—namely, at the feast of St. Michael, 11*s*., and at the feast of the Annunciation of the Blessed Mary, 11*s*.; also they say, that there is there a certain windmill, which is worth by the year 20*s*.; also they say, that the said Reginald le Grey held all the aforesaid lands and tenements of the Dean and Chapter of St. Paul, London, in chief, by the service of 42*s*. 2*d*., payable at two terms of the year, namely, &c., and suit of court, from three weeks to three weeks; also they say, that John le Grey is his next heir, and is of the age of thirty years and more.

In witness, &c.

Inquisitio ad quod Damnum.

Anno 8 Edw. II.

Amongst the records of the Court of Chancery, preserved in the Tower of London, namely, the Inquisitiones ad quod Damnum, in the eighth year of the reign of King Edward the Second.

EDWARD, by the grace of God, &c., to his beloved clerk, Master John Walewyn, his escheator, on this side Trent, greeting, we command you, that by the oath of good and lawful men of your bailiwick, by whom the truth of the matter may be the better known, you diligently inquire whether it would be to the damage or prejudice of us, or of others, if we should grant to our beloved and faithful John, the son of Reginald de Grey, that he, thirty acres of land, two acres of meadow, and ten shillings rent, with the appurtenances in the Kentish Town, near London, and in the parish of Saint Andrew, of Holborn, without the Bar of the Old Temple,—(*triginta acras terræ, duas acras prati, et decem solidatas redditus, cum pertinentiis in le Kentish Town juxta London, et in parochia Sancti Andreæ, de Holborn, extra barram veteris Templi, London,*)—may give and assign to our beloved in Christ, the prior and convent of Saint Bartholomew, in Smithfield, London, to have and

to hold to the same prior and convent, and their successors, to provide a certain chaplain to perform divine service daily in the chapel of the manor of the said John, of Purtepole, without the Bar aforesaid, for the soul of the said John, and the souls of his ancestors, and of all the faithful deceased, for ever, or not; and if it be to the damage, &c. Witness ourself, at Westminster, the 5th day of May, in the eighth year of our reign.

INDORSEMENT.

ADAM OSGOD commanded at the instance of JOHN DE GREY.

Middlesex.—Hundred of Osulston.

AN inquisition taken before the escheator of the Lord the King, at the Stone Cross, in the parish of the blessed Mary at the Strand, on Thursday next, after the feast of Saint Dunstan, the Archbishop, in the eighth year of the reign of King Edward, son of King Edward, by the oath of John de Mounden, and others, jurors, who say, by their oath, that it is not to the damage nor prejudice of the Lord the King, nor of others, if the King grant to his beloved and faithful John, son of Reginald de Grey, that he, thirty acres of land, two acres of meadow, and ten shillings rent, with the appurtenances *in Kentisheton near London, and in the parish of St. Andrew, of Holborn, without the Bar of the Old Temple, London*, may give and assign to his beloved in Christ, the prior and convent of St. Bartholomew, in Smithfield, London, to have and to hold, to the same prior and convent, and their successors, to provide a certain chaplain to perform divine service daily, in the *chapel of the manor of the said John of Purtepole*, without

the Bar aforesaid, for the soul of the said John, and the souls of his ancestors, and of all faithful people deceased, for ever. Also, they say that the aforesaid thirty acres of land, and two acres of meadow, and ten shillings rent, are holden of Robert de Chiggewell, by the service of rendering to the same Robert one rose yearly; and the same Robert holds the said tenements together, with other tenements of the Dean and Chapter of St. Paul, London, and the aforesaid Dean and Chapter hold the same of the Lord the King, in pure and perpetual alms. Also, they say, that the aforesaid land, meadow, and rent, are worth, by the year, in all issues, thirty-one shillings and four-pence, according to the true value. Also, they say, that the aforesaid John, son of Reginald de Grey, holds beyond the gift and assignment aforesaid, in Kentisheton, and in the parish of St. Andrew, Holborn, lands and tenements which are worth, by the year, ten pounds, and which are sufficient to duly perform the customs and services, as well of the aforesaid land, meadow, and rent, so given, as of the other lands and tenements by him retained, and all other burthens, which the said John de Grey hath sustained, and hath been accustomed to sustain. In witness whereof, the aforesaid jurors have set their seals to this inquisition. Given the day, year, and place aforesaid.

(Indorsement.)—Let it be; by fine of forty shillings.

License to JOHN, son of ROGER DE GREY, to convey lands in Kentish Town, to St. Barshou's Priory, Smithfield.

*Amongst the Patents of the eighth year of the reign of King Edward the Second.**

THE King, to all, to whom, &c., greeting. Although by the common council of our kingdom, it is enacted that it shall not be lawful for religious men, or others, to enter

* A comparison of this and the preceding documents with those of Henry the Seventh's time will, it is confidently submitted, sufficiently negative the hypothesis, however ingenious, that there were two manors of Portpool, or even a district of that name, separate from the manor.

Reginald, father of John de Grey, was possessed of a messuage, garden and dove-house, worth 10*s.* per annum—of 30 acres of arable land, worth 20*s.* and 8*d.* per annum,—rents of assize 22*s.*,—and the windmill. He therefore held a manor, including, of course, demesnes and services, *i. e.* the messuage, garden, &c., now Gray's Inn; 30 acres of arable demesne, independently of the residence, and let to tenants at will; and 22*s.* of assized or quit-rents, payable by all the freeholders and copyholders of the manor, which must have included a vast deal of land, paying a quit-rent of a few pence for every estate.

John de Grey, his son, did by no means grant all this to St. Bartholomew, but he granted the 30 acres in St. Andrew's parish, together with two acres of meadow, no part of this manor, but situated about two miles from it at Kentish Town, and 10*s.* of the 22*s.* of assized or quit-rents, worth altogether 31*s.* and 4*d.*, viz. the 30 acres 20*s.* and 8*d.*, part of quit-rents 10*s.*, and the two acres of meadow, 8*d.*—31*s.* 4*d.*

Reserving therefore to himself the mansion-house, garden, dove-house, windmill, and 11*s.* of the quit-rents.

In this reduced state the manor came to the society in Henry the

into any fee, so that it shall become mortmain, without our licence, and of the chief Lord, of whom it be immediately holden, nevertheless by fine, which our beloved in Christ, the Prior of St. Bartholomew, in Smithfield, London, hath made with us, we have granted and given licence for us, and our heirs, as much as in us lies to our beloved and faithful John, son of Reginald de Grey, that he, thirty acres of land, two acres of meadow, and ten shillings rent, with the appurtenances in the Kentishetown, near London, and in the parish of St. Andrew, of Holborn, without the Bar of the Old Temple, London, may give and assign to the same prior and convent, of the same place, to have and to hold to the same prior and convent, and their successors, to provide a certain chaplain, to perform divine service daily in the chapel of the manor of the same John, of Purtepole, without the Bar aforesaid,* for the soul of the said John, and the souls of his ancestors, and of all the faithful people deceased, for ever, &c. Witness, the King, at Westminster, the 27th day of May.

By fine of forty shillings.

Seventh's time, by the description of the manor of Portpool, otherwise Gray's Inn, and the site of a windmill, including altogether eight acres, that is the messuage, garden, and dove-house of Reginald Grey, 10*s.* of the quit-rents, reserved by John de Grey, (1*s.* thereof being probably enfranchised in the interim) and the advowson of the chantry, which he had founded and endowed: which description sufficiently corresponds with so much of the original manor of Portpool as John de Grey reserved, after having endowed the chantry. The reservation of the quit-rents, and their consequent services, was necessary in law to preserve the manor, which otherwise would have been all demesne, and would therefore have ceased to exist as a manor, as it has done now, by the final severance of these rents and services from the demesnes.

* This, therefore, proves that this was the private chapel of the lord of the manor, and not by any means a public, district, or endowed chapelry.

Inquisitio post mortem of Reginald Grey de Wilton.

Anno 44 Edw. 3.

Amongst the Records of the Court of Chancery preserved in the Tower of London, namely, the Inquisitiones post Mortem of the 44th Year of the Reign of King Edward the Third.

Holbourne.—Greye.

An inquisition taken at Holbourne, in the county of Middlesex, before John de Busshoppeston, the Escheator of the Lord the King, in the county aforesaid, on the 24th day of June, in the forty-fourth year of the reign of King Edward the Third, after the Conquest, by virtue of a certain writ of the said Lord the King, sewed to this inquisition, by the oath of Roger Leget (and others), who say, upon their oath, that Reginald de Grey of Wilton, in the writ contained, held not any lands or tenements in his demesne as of fee, nor in service, of the Lord the King in Chief, in the county aforesaid, on the day on which he died. But they say that the said Reginald held, on the day aforesaid, in the county aforesaid, a certain inn in Portepole, near Holbourn, with one garden, and eleven small shops, with the appurtenances, in his demesne, as of fee, together with three acres of land adjacent, of the Dean and Chapter of the church of St. Paul, London, by fealty, and by the service of 32*s.* 2*d.*, payable at the feast of Easter and St. Michael, equally, by the year. And

they say that the aforesaid inn, garden, shops, and land, with the appurtenances, are worth, by the year, in all issues, according to the true value of the same, beyond reprises and resolved rent, 100 shillings, and are so let to farm, payable equally at the feasts aforesaid. And they say, that the same Reginald died on the 28th day of May last past, and that Henry de Grey, son of the aforesaid Reginald, is the son and next heir of the aforesaid Reginald, and is of the age of thirty years and upwards; and that he held not any other lands or tenements in his demesne as of fee, nor in service on the day on which he died, in the county aforesaid, except as is aforesaid.

Inquisitio post mortem of HENRY GRAY DE WILTON.

Anno 19 Richard II., 29.

Amongst the Records of the Court of Chancery preserved in the Tower of London, namely, the Inquisitiones post Mortem of the 19th Year of the Reign of King Richard the Second.

AN inquisition taken at Holborn, in the county of Middlesex, on Friday, next after the feast of Saint Basil, in the nineteenth year of the reign of King Richard the Second, before John Reche, Escheator of the Lord the King, in the same county, by virtue of a writ of the said Lord the King, to the same escheator directed and to this inquisition, sewed by the oath of John Bygonet and others, who say, upon their oath, that Henry Grey de Wilton, Knight, in the writ named, held not any lands or tenements in the aforesaid county, on the day on which he died, which, of the Lord the King, or of any other, are holden, because they say that the said Henry, by his deed, enfeoffed Roger Harecourt, William Danbury, John de Broughton, Jun., John Bouer, Rector of the church of Shirland, Henry Babyngton, and others, whose names to the jurors aforesaid are unknown of his manor of Portpole, in Holborn, called Gray's Inn, together with all the other lands and tenements which he had in the said county of Middlesex, to hold to them and their heirs for ever; by virtue of which feoffment, the aforesaid Roger John and others were seised of the manor, lands, and tenements aforesaid, before the

death of the said Henry, and at the time of his death, and still are; and they say that the said manor, together with the lands and tenements aforesaid, are holden of the Dean and Chapter of the church of St. Paul, London, by what services they know not. And they say, that the aforesaid manor, lands, and tenements, are worth, by the year, in all issues beyond reprises, according to the true value of the same 100 shillings. And they say, that the aforesaid Henry died on Saturday, next after the feast of St. Alphage last past; and that one Richard Grey is son and next heir of the same Henry, and was of the age of three years on Wednesday next before the feast of All Saints last past.

In witness whereof, the jurors aforesaid have set their seals to this inquisition the day and year aforesaid.

Inquisitio post Mortem of Richard de Grey de Wilton.

Anno 20 Henry VI.

Amongst the Records of the Court of Chancery preserved in the Tower of London, namely, the Inquisitiones post Mortem of the 20th Year of the Reign of King Henry the Sixth.

An inquisition taken at Westminster, in the county of Middlesex, on Friday next after the feast of St. Leonard, in the twenty-first year of the reign of King Henry the Sixth, before Vincent Dyne, Escheator of the Lord the King, in the county aforesaid, by virtue of the writ of the Lord the King to the same escheator, directed and to this inquisition sewed, by the oath of Robert Hoo, (and others,) who say upon their oath that Richard Grey de Wilton, Knight, in the said writ named, died seised in his demesne as of fee, of the manor of Portpool, in Holborne called Grey's Ynne, with the appurtenances, in the county aforesaid, which is worth by the year, beyond reprises, five marks, and is holden of the Dean and Chapter of the church of St. Paul, London, but by what services the jurors aforesaid are wholly uninformed. Also, they say that the said Richard held not any other, or more lands or tenements in demesne, nor in service, in the county aforesaid, of the Lord the King in chief, nor of any other on the day on which he died; and they say, that the same Richard died on Monday, next before the feast of the

Assumption of the Blessed Virgin Mary last past; and that Reginald de Grey is his son and next heir, and was of the age of twenty-one years and upwards on the 22d day of May last past.

In witness whereof to this inquisition, the jurors aforesaid have set their seals. Given the day, year, and place aforesaid.

Michaelmas Term, 22d Henry VII.

CONFIRMATION OF CONVEYANCE.

EDMUND GREY LORD WILTON, to BRUDENELL and another; and of deeds, 35 Henry VI., Bryan to Urswick—35 Henry VI., Urswick to Bryan—9 Henry VII., Bryan to Grey.

Among the Records preserved in the Treasury of the Court of the Receipt of Exchequer, viz. in a Roll indorsed "Pleas of the Bench of Michaelmas Term, 22d Henry Seventh," is contained as follows:—

THE Roll of Deeds written and allowed in the Term of St. Michael, in the 22d year of the reign of King Henry the Seventh:

As yet of written Deeds,

Edmund Grey, Lord de Wilton, came here into court on the last day of November, in this same Term, and acknowledged the writing following to be his deed, and prayed the same to be enrolled, and it is enrolled in these words:—To all the faithful in Christ to whom the present writing shall come, Edmund Grey, Lord de Wilton, son and heir of John Grey, Knight, late Lord de Wilton, sends greeting in the Lord Everlasting; whereas Reginald Grey, late Lord de Wilton, son and heir of Richard Grey, formerly Lord de Wilton, by his deed bearing date the 20th day of November, in the 35th year of the reign

of King Henry the Sixth, gave, granted, and confirmed to Thomas Bryan, Thomas Ursewyke, Richard Hoton, Roger Berker, Richard Welby, Guy Fayrfaxe, John Clerke, Henry Spylman, John Watnow, Thomas Molyneaux, Thomas Middylton, Thomas More, John Lamborne, John Crokker, and James Bradman, his manor of Portpole, commonly called Greysynne, with all and singular their appurtenances, in the county of Middlesex, together with all lands, tenements, rents, and services, with their appurtenances, in the same county, to have and to hold to them, their heirs and assigns for ever, which said Thomas Wisewyke, Richard Hoton, Roger Berker, Richard Welby, Guy Fayrfaxe, John Clerk, Henry Spylman, John Watnowe, Thomas Molyneaux, Thomas Myddylton, Thomas More, John Lamborne, John Crokker, and James Badman, afterwards by their deed, the date whereof is the 9th day of July, in the said 35th year of Henry the Sixth, all their right, claim, interest, and demand, which they ever had of and in the aforesaid manor and other the premises, with the appurtenances, to the aforesaid Thomas Bryan, his heirs and assigns, remised and released as in their deed more fully appears; and whereas the aforesaid Thomas Bryan, by the name of Thomas Bryan, Knight, by his deed, the date whereof is the 29th day of January, in the 9th year of the reign of King Henry the Seventh, demised and feoffed, and by his aforesaid deed confirmed to the aforesaid John Grey, Knight, Lord de Wilton, John Blythe, then Master of the Rolls of the Chancery of our Lord the King, Reginald Bray, Knight, Thomas Rotheram, Esquire, Thomas Fowler, Esquire, Thomas Wodmanoye, now deceased, Robert Brudenell, now Serjeant-at-Law of the Lord the King, and Thomas Wodeward, Gentlemen, now surviving of and in the manor of Portpole aforesaid, and other the premises, with their appurtenances, in the county aforesaid, to have and to hold the aforesaid manor, lands, rents, services, and other the

premises, with their appurtenances, to the aforesaid John Grey, John Blythe, Reginald Braye, Thomas Rotheram, Thomas Fowler, Thomas Wodmanoye, Robert Brudenell, and Thomas Wodeward, their heirs and assigns for ever, as in the deed of the aforesaid Thomas Bryan, Knight, more fully appears: Know ye that I, the aforesaid Edmund Grey, Lord de Wilton, the estate, title, and possession of the aforesaid Robert Brudenell and Thomas Wodeward, of and in the aforesaid manor, and other the premises, with their appurtenances, have ratified, approved, and by these presents in all things have confirmed, and all my right therein, to them, their heirs and assigns, have remised and released by these presents. In witness whereof to this present writing, I have set my seal, dated the last day of the month of September, in the 22d year of the reign of King Henry the Seventh.

BARGAIN AND SALE.

Edmund Lord Grey to Hugh Denys, Esquire.

12th August, 21 Henry VII.

From the Second Part of the Claus Rolls, of the Twenty-second Year of the Reign of King Henry the Seventh.

This endentur made the xij day of August, the xxj yere of the reigne of Kyng Henry the Vijth, bytwene Edmund Lord Grey, of Wilton, on that oon ptie, and Hugh Denys, Squyer, on that other ptie, witnessith, that the seyd Edmund, Lord Grey, hath bargayned and sold, and by theis presentis clerely bargayneth and sellith unto the seyd Hugh, his heyres and assignes, [various premises in Essex] AND ALSO his manour callyd Portepole, otherwise called Greysynne, iiij meases, iiij gardens, the sight of a wynde mille, viij acres of lande x shilyngis of fre rent, and the advowson of the chauntly of Portepole aforeseyd, with all and synguler their appurtenancis, *in the parish of Saynt Andrewes, in Holborn, in the county of Middlesex;* and all his landis and tentis, rentis, revecions, and sevices, advowsons, and all other his hereditaments, with the appurtenacis in the seyd pishe of Saynt Andrewes, in Holborn, in the foreseyd counte of Midd., of the yerely value of x marke over and above all chargis.—And the seyd Lord covenanteth, granteth, and warranteth, by these presents, to the said Hugh Denys and his heyres, that the seyd manour of Portepole, and other the premises in the seyd parish of Saynt Andrew, in the seyd counte of Middlesex, to be also the clear yearly value of ten markes over all charges. In witness, &c.

RECOVERY.

Hugh Denys, Esquire, and others,	Demandants,
Serjeant Brudenell, and another,	Tenants,
Edmund Lord Grey, . . .	Vouchee.

From the Recovery Rolls in the Court of Common Pleas at Westminster.

Pleas at Westminster, before Sir John Vavasour, Knight, and others, Justices of the Lord the King of the Bench, for the Term of St. Michael, in the 22d year of the reign of King Henry the Seventh.

Middlesex.

Hugh Denys, Esquire, Edward Dudley, Esquire, Roger Lupton, Clerk, Godfrey Toppes, Edward Chamberlayn, Esquire, William Stafford, Esquire, John Emeley, Thomas Pygot, Richard Broke, William Tey, and Michael Fysher, by John Jennour, their attorney, demand against Robert Brudenell, Serjeant-at-Law of the Lord the King, and Thomas Woodward, the manor of Portpoole, with the appurtenances, and four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent, with the appurtenances, *in the Parish of St. Andrew the Apostle, in Holborn, without the Bars of the Old Temple, London*, and the advowson of the chantry to the same manor belonging, as his right and inheritance, &c.: who vouch to warranty Edmund Lord Grey, &c.

Denys and others and Lord Grey.

Post Fine on Recovery.

From the Rolls in the Treasury of the Court of Common Pleas.

Hugh Denys, Esquire, gives to the Lord the King 20*s.* for licence to agree with Edmund Grey, Lord of Wilton, and Florence, his wife, of a plea of covenant of the manor of Portpole, with the appurtenances, and of four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent, with the appurtenances, *in the parish of St. Andrew the Apostle, of Holborn, without the Bars of the Old Temple, London*, and of the advowson of the chantry of the manor aforesaid; and he hath a chyrograph for peaceable admission before Sir John Fisher, Knight, in his own person, &c.

FINE.

DENYS, Esq., and others . . . Plaintiffs.
EDMUND GREY, LORD WILTON . Deforceants.

Among the Records preserved in the Treasury of the Court of the Receipt of the Exchequer—viz. in a bundle of Fines, indorsed "Michaelmas, 22 Hen. 7"—is contained as follows.

THIS is the final agreement made in the court of the Lord the King, at Westminster, from the day of St. Martin, in fifteen days, in the twenty-second year of the reign of King Henry of England and France, the seventh from the Conquest, before Robert Rede, John Fyssher, and John Kyngesmyll, justices; and afterwards in the octaves of St. Hilary, in the year of the reign of the same King Henry abovesaid, there granted and recorded before the same justices, and other faithful people of the Lord the King, then there present, between Hugh Denys, Esquire; Edmund Dudley, Esquire; Roger Lupton, Clerk; Godfrey Toppes; Edward Chaumberlyn, Esquire; William Stafford, Esq.; John Erneley, Thomas Pygot, Richard Brooke, William Tey, and Michael Fyssher—Plaintiffs: and Edmund Grey, Lord de Wilton, and Florance, his wife—Deforceants, of the manor of Portpole, with the appurtenances and four messuages, four gardens, one toft, eight acres of land, and ten shillings of rent, with the appurtenances *in the parish of St. Andrew the Apostle, of Holborn, without the Bars of the Old Temple, of London*, and of the advowson of the chantry of the manor aforesaid.—Whereupon a plea of covenant was summoned between them, &c.

28th Nov., 22 Hen. 7.

Inrollment of Release from Richard Grey to Hugh Denys, Esquire, and Others.

Amongst the Records preserved in the Treasury of the Court of Receipt of the Exchequer—to wit, on a Roll indorsed "Placita de Banco, Mich. Term, Anno 22 Hen. 7"—is contained as follows.

Richard Grey, Clerk, came here in court the twenty-eighth day of November, in the same term, and acknowledged the following writing to be his deed, and prayed the same to be enrolled, and it was enrolled in these words:—

"To all the faithful in Christ, to whom this present writing shall come; Richard Grey, Clerk, brother of Edmund Grey, Lord of Wilton, greeting in the Lord everlasting: Know ye that I, the aforesaid Richard, at the especial request of the aforesaid Edmund, my brother, have remised, released, and wholly, from and for me and my heirs, for ever quit claimed to Hugh Denys, Esquire, and Mary, his wife, and Edward Dudley, Esq., Roger Lupton, Clerk, Godfrey Torpes, Edward Chamberlain, Esquire, William Stafford, of London, Esquire, John Emely, Thomas Pigot, Richard Brooke, William Tey, and Michael Fisher, to the use of the same Hugh and Mary, and the heirs of the same Hugh, all my right, title, claim, interest, and demand which I have had, have, or in any way hereafter may have, of or in the manor of Port-

pole, four messuages, four gardens, one toft, eight acres of land, ten shillings rent, and the advowson of the chantry of Portpole aforesaid, with the appurtenances *in the parish of St. Andrew, Holborn, in the county of Middlesex*, (and of and in various other Premises;) all and singular of which now are in the full and peaceable possession and seisin of the aforesaid Hugh Denys and Mary, his wife, Edward Dudley, Roger Godfrey, Edward William Stafford, John Thomas, Richard Brooke, William Tey, and Michael Fisher; so that neither I (the aforesaid Grey), nor my heirs, nor any one else, in my name or in their name, can have, or at any future time ought to have any right, title, claim, interest, or demand of or in the manors, messuages, cottages, tofts, lands, meadows, pastures, woods, rents, and advowsons aforesaid, and other the premises with the appurtenances, and cannot nor ought from henceforth to make any exaction, claim, and demand or challenge thereof, but from all actions, right, title, claim, interest, or demand thereof, we are wholly excluded by these presents: and I, the aforesaid Richard Grey, and my heirs, will warrant and for ever defend, by these presents, against all persons, all the aforesaid manors, messuages, cottages, tofts, lands, meadows, feedings, pastures, woods, rents, advowsons aforesaid, and other the premises with the appurtenances, to the aforesaid Hugh, Mary, Edward Dudley, Roger Godfrey, Edward William Stafford, John Thomas, Richard Brooke, William Tey, and Michael Fisher, their heirs and assigns."

There is also another deed of the lease from Edmund Lord Grey, together with the above-named Richard Grey, Clerk, his brother, and John Grey, another Brother, *of the same premises, by the same parochial description.*

Writ of Ad Quod Damnum and Return.

Anno 7 Hen. VIII.

Inquisitions of the Eighth Year of the Reign of King Henry the Eighth.

HENRY, by the Grace of God, &c.—[Reciting a grant of the twentieth of Edward the Fourth to the Prior of Sheen.]—We command you, that by the oath of good and lawful men of your bailiwick, you do diligently inquire whether it may be to the damage and prejudice of us, or of others or not, if we shall grant to Thomas Pygot, one of our Serjeants at Law, Richard Broke, Serjeant at Law, John Heron, Esquire, Roger Lupton, Clerk, Godfrey Toppys, and Thomas Arture, that they, and any one of them, may give and grant to John, now Prior of the House of Jesus of Bethelem of Sheen, of the Order of Carthusians, and to the Monks of the same House, the manor of Portepole, with the appurtenances, and four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent with the appurtenances, *in the parish of St. Andrew the Apostle, in Holborn, without the Bars of the Old Temple, London,* and the advowson of the chantry to the said manor, pertaining in your county: To have to them and their successors for ever in pure and perpetual alms, &c.

MIDDLESEX. AN Inquisition indented, taken at the town of Westminster, in the county of Middlesex, on the eleventh day of February, in the seventh year of the reign of King Henry the Eighth, before John Meyny, Escheator of

the said Lord the King, in the county aforesaid, by virtue of a writ of the said Lord the King of Ad Quod Damnum, to the said Escheator directed, and to this inquisition sewed, by the oath of John Harris and others, who say, upon their oath, that it is not to the damage or prejudice of the said Lord the King, or of any other person, if the said Lord the King should grant to Thomas Pygot, Serjeant at Law, Richard Broke, Serjeant at Law, John Heron, Esquire, Roger Lupton, Clerk, Godfrey Toppes, and Thomas Arthur, that they, and any one of them, may give and grant to John Joburne, Prior of the house of Jesus of Bethelem of Sheen, and to his successors in the same writ named, according to the form and effect in the same writ specified, the manor of Portepole, with the appurtenances, in the county aforesaid, and four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent, with the appurtenances, *in the parish of St. Andrew the Apostle, in Holborn, without the Bars of the Old Temple, London*, and the advowsons of the chantry to the said manor pertaining in the same writ specified: And further they say upon their oath, that the aforesaid manor and other the premises, with the appurtenances, are holden of the Lord the King as escheats, because Robert Chigwell, of whom the manor aforesaid, and other the premises were holden, died without heir, by the service of fealty, and the rent of one red rose, at the feast of the Nativity of Saint John the Baptist, for all services, customs, exactions, and demands; and that the same manors, and other the premises, with the appurtenances, are worth yearly, in all issues beyond repriser, according to the true value thereof, 6*l.* 13*s.* 4*d.*

Grant to the Prior and Convent of Sheen.

Anno 7 Hen. VIII.

The Third Part of the Patents of the Seventh Year of the Reign of King Henry the Eighth.

THE King, to all to whom these presents shall come greeting: Know ye, that whereas the Lord Edward the Fourth, late King of England, on the fourth day of August, in the twentieth year of his reign, by his letters patent, hath granted and given licence for himself and his heirs, as much as in him was, to his beloved in Christ, John Ingilby, then prior of the house of Jesus of Bethelem of Sheen, and to the monks of the same, that they and their successors may purchase and receive lands, tenements, and rents, with the appurtenances, to the value of 100*l.* by the year, &c. We being willing to give due effect to the grant of our said progenitor and our grandfather, have granted and given licence for us and our heirs as much as in us lies, to Thomas Pigot, one of our Serjeants at Law, Richard Broke, Serjeant at Law, John Heron, Esquire, Roger Lupton Clerk, Godfrey Toppys, and Thomas Arture, that they, and every one of them, the manor of Portepoole, with the appurtenances, and four messuages, four gardens, one toft, eight acres of land, and 10*s.* rent, with the appurtenances *in the parish of St. Andrew the Apostle, in Holborn, without the Bars of the Old Temple, London,* and the advowson of the chantry to the same manor, belonging in the county of Middlesex, which of us are holden

as an escheat for that Robert Chigwell, of whom the manor aforesaid, and other the premises were holden, died without heir, by service fealty, and the rent of one red rose, at the feast of the Nativity of Saint John the Baptist, for all services, customs, exactions and demands, and which are extended to 6*l.* 13*s.* 4*d.* by the year, as it is found by a certain inquisition thereupon, before John Meyney, our escheator, in the county aforesaid, by our mandate, taken and returned into our Chancery, may give and assign to our beloved in Christ, the now prior and monks of the aforesaid house of Jesus of Bethelem of Sheen, of the Carthusian order, to hold to them and their successors for ever, to the value of ten marks, 3*s.* 4*d.* by the year, in part satisfaction of the 100*l.* of lands, tenements, and rents aforesaid; and to the same prior and monks that they, the manor aforesaid, and other the premises, with the appurtenances, from the aforesaid Thomas Richard, John, Roger, Godfrey, and Thomas, may receive and hold to them and their successors aforesaid, as is aforesaid, we have likewise, by the tenor of these presents, given special licence, the statute aforesaid notwithstanding: not willing that the aforesaid Thomas Richard, John Roger Godfrey, and Thomas, or their heirs, by reason of the premises by us or our heirs, or the justices, escheators, sheriffs, or other the bailiffs or ministers whomsoever, of us or of our heirs, be therefore troubled, molested, disturbed or in any wise aggrieved. Saving nevertheless, to us and to our heirs, and to the chief lords of those fees, the services therefore due and accustomed. In witness whereof, &c. Witness the King, at Westminster, the 17th day of April.

Decree of the Court of Augmentations,

Dated 10th November, 23 Hen. VIII.

Memorandum.—For as much as it is duely proved, before the Chancellor and counsell of the Court of Augmentations of the revenues of our Sovereign Lord the King's Crowne, that the pryor and covent of the late monastery of Seynt Barthilmewe, in Smythfeld, besydes London, now dissolved, and their predecessors, at their proper costys and chargys, tyme oute of mynde, before the dissolution of the same late monastery did fynde, and of right ought to fynde, one chappelyn, to singe and sey masse and other dyvyne service every day yerely, at and in the chappell at Grey's Inne, besyddes Holborn, nygh London, for the studients, gentylmen, and fellowes of the same house of Grey's Inne: And that the said late prior and his predecessors were yerely charged with the pension of sevyn pounds thirtene shillings and fourepence, for the salarye or stypende of the seyd chappylayn, going owte of the lands and possessions of the said late monastery: It is therefore ordered and decreed, by the said Chancellor and counsell, in the terme of Seynt Michaell, that is to say, the tenth day of Novembre, in the three and thirtie yere of our seid Sovereign Lord Kynge Henry the Eight, and the treasarur and fellowes of the seyd house of Grey's Inne, in recompence of the said stypend of sevyn pounds thirtene shillings and fourpence, shall have yerely of the King's highness, for the fyndynge of the seyd chappelayn, duringe the King's pleasure, the some of sixe pounds thirtene shillings and fourepence styrling yerely, to

be paid by the hands of the tresaurer of the seyd Court of Augmentations, for the tyme being, of such the King's treasure, of the revenues of the said Augmentations, as shall happyn to remayn in his hands, and to be yerely paid to the treasurere of the seyd house of Grey's Inne, for the tyme beynge, at the feasts of the Natyvytie of our Lord God—the Annunciation of our blessed Lady the Vyrgyn—the Natyvytie of Seynt John Baptist, and Seynt Michaell, the archaungell, by evyn portions. And that the seyd treasaurer of Grey's Inne shall have all th' arrerage of the said six pounds thirtene shillings and fourepence due to them, sithen' and from the feast of th' Annuncyation of our blessed Lady the Virgyne, in the two and thirtie yere of the reign of our said sovereign Lord Kynge Henry the Eight, to be paid by the hands of the said tresaurer of the seyd Augmentations, of the treasure aforesaid.

THE END.

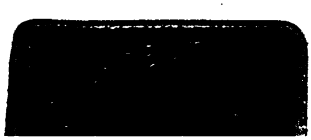
LONDON:
HENRY BAYLIS, JOHNSON'S-COURT, FLEET-STREET.

Court o
ng's trea
as shall
paid to
for the
ur Lord
ngyp–
ichael,
: seyd
of the
ue to
f our
re of
the
the

CD EGW KAc
Cases of supposed exemption fr
Stanford Law Library
3 6105 044 172 281

bbsp

25. 1/5 78

CD EGW KAc
Cases of supposed exemption fr
Stanford Law Library
3 6105 044 172 281

25. 1/5 78